

## CHAPTER 7 – HOUSING

### 7.1. HOUSING: GENERAL

#### Objections

<i>Rep No.</i>	<i>Name</i>
4689	Mrs B J Brown

#### **Key Issue**

- (a) Whether further development would put a strain on existing services in Tring. (4689)

#### **Inspector’s Conclusions**

- 7.1.1. The objector is concerned that the level of housing proposed in Tring would put a strain on the capacity of local services. In her view local schools are effectively full. She also expresses concern about whether the sewerage system could cope. She believes that further house building would lead to additional traffic growth, which would increase pollution levels and result in a poorer quality of life, contrary to the aims of the Local Transport Plan (CD71A).
- 7.1.2. The Education Authority acknowledges that the overall situation in Tring is uncomfortably tight. However, they point out that Dundale Primary School could be expanded, as its admission limit is lower than other local schools. In the County Council’s view this would probably allow for the children from up to 240 new dwellings to be accommodated in the short/medium term.
- 7.1.3. The Borough Council points out that only 160 further dwellings are proposed in Tring during the Plan period, which would be well below the threshold referred to by County Council. The Education Authority considers that this number of new dwellings could easily be accommodated within existing schools. I do not believe, therefore, that the limited amount of new housing proposed for Tring would lead to an unacceptable overcrowding of local schools. However, the Borough Council will have to carefully monitor the number of houses allowed on unidentified sites in Tring if they are to avoid problems occurring.
- 7.1.4. In reaching this conclusion, I have taken into account the fact that the Borough Council proposes to delete the employment sites at Akeman Street and Brook Street as potential housing sites under Policy 33. I also appreciate that if my recommendation in respect of the site at Dundale (*see paragraph 7.62.58*) is adopted it will add to the number of new houses proposed in Tring. However, I consider that the impact of this development is unlikely to be significant. In any case it would be partly offset if the Cattle Market (H35) is deleted as a housing site, as I have recommended in paragraph 7.34.25 of my report.
- 7.1.5. As Tring has a high level of out-commuting it clearly would not be a sustainable location for significant new housing. However, the provision of 160 additional dwellings would constitute a very modest level of growth for a town of this size. Although the new dwellings may give rise to a small increase in local traffic levels, I am not persuaded that this would necessarily lead to a significant increase in pollution levels or deterioration in the quality of life. I appreciate that surveys show that pollution levels on Brook Street are some of the highest in the Borough but there is no

evidence that levels are as high elsewhere in Tring. I doubt whether the small amount of additional traffic arising from 160 dwellings would add significantly to existing pollution levels on Brook Street.

- 7.1.6. I acknowledge that there is significant parking congestion in some of the existing residential areas in Tring. However as long as infilling in those areas is strictly limited and all new housing developments in the town provide appropriate off-street parking facilities I am satisfied that the addition of 160 dwellings would not seriously exacerbate this congestion.
- 7.1.7. There has been no objection from utility providers to the proposed level of development in Tring. Nor has any evidence been provided by the objector to corroborate her suggestion that the sewerage system would not be able to cope with the increase. I can find no reason therefore to conclude that the level of housing development proposed in Tring would have an unacceptable impact on existing infrastructure in Tring.
- 7.1.8. Even if it were to be subsequently established that there would be problems with the capacity of the existing infrastructure, I am satisfied that the Council could exercise the necessary restraint on further development to ensure that such problems did not arise. The new policy on infrastructure provision, that I have recommended should be included in the Plan (*see paragraph 4.2.26*), would enable the Council to refuse additional development in Tring, if the problems of capacity could not reasonably be resolved by the provision of new works or services. Accordingly, I see no need to recommend any further modification to the Plan in the light of objection 4689.

**Recommendation**

- 7.1.9. **No modification be made to the Plan in response to objection 4689.**

**7.2. POLICY 15 : HOUSING STRATEGY**

**Objections**

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
1172	Mr CH Gray	2990	Mr & Mrs D Brasier
1234	The Chiltern Society	2999	Mr & Mrs B J Edwards
1277	CPRE - The Hertfordshire Society	3831	Old Road Securities plc
1543	Linden Homes South-East Ltd	3842	Mr P Block
1661	Kings Langley Branch of Hemel Hempstead Conservative Association	4048	HCC Environment Department
1675	Mr P Witt & Ms S Wareham	4136	A J Patterson
1790	Miss S Brightley	4242	X-Tek Systems Ltd
1924	Mrs M Pearson	4319	Mrs A J Nobbs
1943	Taywood Homes Ltd	4529	John Dickinson Stationery Ltd
2111	B J Harding	4808	The Directors of Shendish Manor Estate
		5068	Tring Environmental Forum

**Counter-objections**<sup>1</sup>

To pre-inquiry change 21  
5591 PC Mr P Witt & Ms S Wareham

<sup>1</sup> Representation 5316PC by Wilcon Development Group Ltd was also listed as a counter-objection to PIC21. However it is apparent that it actually relates to PIC29 (*see page 33 of CD50*). I have therefore considered it under Policy 21 (*See section 7.8 of the report*).

**Supports**

1887  
3842

Chiltern District Council  
Mr P Block<sup>2</sup>

5152

Mr Tony McWalter MP

**Key Issues**

- (a) Is any of Policy 15, other than the overall housing figure, necessary. Would it be better to include it as supporting text. (1675, 1943)
- (b) Is the proposed figure of 7,200 dwellings based on sufficiently accurate assumptions and a reliable assessment of need. (1790, 2111, 2990, 2999, 4136, 4242, 4319, 5068)
- (c) Should the 7,200 figure be a broad target. Would it be appropriate for it to be exceeded. (1234)
- (d) Is a higher level of provision justified in the light of recent government guidance or other changes in circumstances. (3831, 4808)
- (e) Ought the policy to allow for the numbers of new dwellings to be reduced and future provision restricted once actual needs become more certain. (1277)
- (f) Would the policy be improved by the inclusion of an annual rate for new housing. (1675, 4808)
- (g) Should the wording of the policy be amended to make absolutely clear that sufficient land is to be allocated for housing development to ensure that 7,200 dwellings are capable of being completed within the Plan period. (4808)
- (h) Does the retention of dwellings form a valid element of the strategy. Is it appropriate for it to form an element of the proposed increase. (1543, 4808)
- (i) Have specialist needs been adequately taken into account. (4808)
- (j) Should Policy 15 make provision for phasing. If so ought the phasing to allow for the release of greenfield sites to be slowed down if sufficient land within the urban area comes forward. Would it be more practical to increase the number of defined phases. Should more of the proposed provision be held back until after 2006. (1277, 1543)
- (k) Do the component policies referred to in Policy 15 make the appropriate provision for new housing. (1675)
- (l) Should reference be made to the need to make best use of developed urban land and the sequential test within the policy or its supporting text. (4529)
- (m) Does the Plan set out the appropriate criteria to prevent unacceptable windfall development. (1661)
- (n) Has the policy been properly implemented so that an appropriate amount of the new housing has been affordable and local residents have taken up the housing that has been provided. (3842)
- (o) Should there be no net increase in 4+ bedroomed dwellings. (3842)
- (p) Is the background to the policy accurate or does it need amending. (4048)
- (q) Should paragraph 7.12 of the background text be deleted. (4048, 5591PC)
- (r) Does Tring have the capacity to accommodate 400+ additional dwellings. (1172, 1924)

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<sup>2</sup> Although the Council lists this as a supporting representation, as they have submitted a statement of rebuttal (LPA Doc.No. 312) in respect of it, I have considered it along with the objections.

## Inspector’s Conclusions

### (a) *Is Policy 15 necessary?*

7.2.1. Only the first paragraph of Policy 15, which commits the Council to meeting the Structure Plan housing target for Dacorum, is strictly essential. Nevertheless, the remainder of the Policy sets out a clear overview of the strategy by which it is intended this target will be achieved. As such I consider it forms a useful introduction to the Housing chapter. I cannot see any real benefit in deleting the remaining part of the Policy and including it instead as supporting text since this would not, in my view, make the Plan any clearer. Accordingly I recommend that no modification be made to the Plan in the light of this aspect of objections 1675 and 1943.

### (b) *Is the proposed level of housing provision based on accurate assumptions?*

7.2.2. Various objectors question the basis on which the overall level of housing provision was arrived at. The requirement for 7200 additional dwellings in Dacorum between 1 April 1991 and 31 March 2011 was determined as part of the Structure Plan Review. Judging from the available evidence the figure was calculated following extensive consideration of the demographic profile of the county and future projections of population and household growth. In my view this constituted a reasonably reliable method for assessing the level of need for the county for the period until 2011. I note that the basis for the figures and the distribution of housing across the county were carefully considered by the EIP in 1997. They found no reason to question the proposed allocation and recommended no change in respect of the requirement for 7,200 additional dwellings in Dacorum.

7.2.3. Although the objectors appear to doubt the accuracy of the assumptions used by the County Council in drawing up this figure, they produce little substantive evidence to demonstrate that they were seriously inaccurate. The studies undertaken as part of the Structure Plan Review indicated that the increase in households within Hertfordshire between 1991 and 2011 was likely to be nearly 18%. The 1997 mid term population survey subsequently endorsed these findings. It also showed an increase of around 23% in single parent households and 25% in single households.

7.2.4. I appreciate that this appears to conflict with some of the findings in the report by the Office for National Statistics (ONS) on “Housing in England 1994/95”. However these findings are not as recent. Moreover, they relate to the position nationally rather than at the county level. The detailed picture will undoubtedly differ between counties. I am not satisfied therefore that the figures in the ONS report are sufficient reason to conclude that the County Council’s figures are inaccurate.

7.2.5. Although there has been a marked change in Government policy away from the previous “predict and provide” approach to housing to one of “plan, monitor and manage”, I do not consider that this justifies setting a lower overall level of housing provision for Dacorum. There is no clear evidence at this stage that there is likely to be a significant reduction in need during the Plan period. In any case, it would not be appropriate, in my view, to require the Borough Council to undertake a further fundamental review of this figure at this stage. Not only would it seriously delay the adoption of the Plan but it would also undermine the proper strategic consideration of housing distribution within the County.

7.2.6. In the circumstances, while I understand the objectors’ concerns about the implications of this level of provision, I am not persuaded that the basis on which the overall figure was arrived at was so seriously flawed as to justify setting a lower level of provision in the Local Plan. I, therefore, find no reason to recommend that the Plan be modified in the light of these objections.

**(c) *The status of the housing provision figure***

7.2.7. The objector points out that the economic situation can change quite rapidly and suggests therefore that it is a mistake to let normal economic cycles govern planning decisions. In the circumstances, the objector considers that it would be more sensible to state that the figure is a broad target that need not be exceeded.

7.2.8. There is undoubtedly a danger in drawing up housing figures based on current demographic trends. Circumstances may well alter over the Plan period, particularly where the Plan covers some 20 years. This is one of the main reasons why the Government has changed its approach to housing to one of “plan, monitor and manage”. This approach, combined with the five-year review of Local Plans required by PPG3, is intended to ensure a greater degree of flexibility and allow for a quicker response to changing economic circumstances. In my opinion, therefore, it is appropriate to see the figure of 7,200 as a broad target rather than one set in stone.

7.2.9. However, I am concerned that the current wording of paragraph 7.12 could potentially be seen to be encouraging the target to be exceeded. It is possible that any subsequent review of the Plan may find that a lower figure is actually necessary. In the circumstances, I consider that to encourage the expectation that the figure may be exceeded at the outset is the wrong approach. I note that the Council proposes under PIC21 to delete paragraph 7.12. In my view, this would satisfy this objection. I therefore endorse PIC21 and recommend that the Plan be modified by the deletion of paragraph 7.12.

**(d) *Is a higher level of provision justified?***

7.2.10. Objection 3831 by Old Road Securities originally contended that the proposed requirement of 7,200 was inadequate to meet the needs of the District and that it should be increased to include additional greenfield sites. However, in their subsequent written statement (O/3831/1 etc) they support the fact that the Council acknowledges the Structure Plan requirement and the need to satisfy it. They also support the principles by which the Plan seeks to provide for the requirement as confirmed by Policy 15, which in their view conforms with the sequential approach in PPG3.

7.2.11. It appears therefore that the objector no longer seeks to question the overall target specified in Policy 15. Instead they address their concerns to the sources of supply as put forward by Policy 17. As they have a separate objection to that Policy (3832) I shall address those concerns later in my report (*See Section 7.4*). I see no need for the Council to make any modification to Policy 15 in response to objection 3831.

7.2.12. The Directors of the Shendish Manor Estate (4808) argue that a higher housing figure is justified in the light of the findings of the RPG Panel Report (CD25). The fact that Dacorum is a net exporter of households in their view conflicts with the advice in

PPG3. Furthermore the EIP panel’s (CD30) acceptance of the Structure Plan housing figure on the basis of a reduction in vacancies does not accord with the March 2000 draft of RPG9 (CD25A), which makes no allowance for reducing vacancies in the housing provision. The objector points out that at 65,000 dwellings the Structure Plan target for housing in Hertfordshire is some 1600 dwellings below the figure that results from the annual average figure for Hertfordshire contained in the 1994 version of RPG9 (CD23). The objector therefore contends that the overall housing provision for Dacorum should be increased by a percentage of this difference. The percentage should be based on the extent of net migration in the Borough compared with other districts in the county.

- 7.2.13. Although the RPG panel report recommended a much higher housing target for the South East the Government did not subsequently accept this. I do not consider, therefore, that it is appropriate to attach much weight to the panel’s housing figures. I appreciate that Dacorum is a net exporter of population. However, I note that other boroughs in the county are in a similar position. I do not consider that this is necessarily at variance with the advice in PPG3. While paragraph 4 states that development plans should aim to provide sufficient housing to meet the likely housing requirements of their areas, paragraph 6 accepts that in principle it may be appropriate to allocate more housing in areas where previously developed land is available. In an area that is subject to significant Green Belt constraints and where there is a limited supply of “brownfield” land, it seems reasonable to assume that there will be some net migration. I therefore see no reason to question the Structure Plan strategy of encouraging a shift in population distribution from the south and west of the county to the north and east.
- 7.2.14. I appreciate that the March 2000 draft of RPG9 appears to have taken no account of vacancy rates. However, the EIP panel looked at this issue in some detail. They were clearly satisfied that a reduction in vacancies would be sufficient to meet the difference between the annual average for Hertfordshire proposed in the 1994 RPG9 and the figure of 65,000 proposed in the Structure Plan. Although neither the Structure Plan nor the DBLP make specific provision for reducing vacancy rates, I do not find this particularly surprising. What is important is that the Plan seeks to generally encourage the bringing into use of empty housing, vacant commercial buildings and upper floors above shops. I believe that in broad terms the policies of the Plan do attempt to do this, although this objective could perhaps be more explicitly expressed by the inclusion of additional policies in line with the guidance in paragraph 41 of PPG3. However, the Council does have an Empty Homes Initiative and Council vacancy rates are apparently now down to 1.3%. In the circumstances, I am not satisfied that there is sufficient evidence to conclude that the EIP panel’s findings on vacancy rates were seriously misplaced.
- 7.2.15. More importantly, the figure for the annual average rate of housing provision in Hertfordshire in the most recently adopted version of RPG9 (CD23A) has been reduced to 3,280. Based on this revised figure the actual difference between the Structure Plan figure and that calculated from the annual average in the RPG is only 600 dwellings. I do not consider that a difference of this scale warrants an increase in the housing target for Dacorum, bearing in mind that this was thoroughly tested at the EIP. I am not satisfied, therefore, that at this stage the changes in circumstances that have occurred since the adoption of the Structure Plan in 1998 warrant recommending an increase in the overall housing provision for Dacorum.

- 7.2.16. In reaching this conclusion I have taken account of the fact that the annual target figure of 39,000 dwellings for the South-East set by the new RPG9 is only intended to continue up to 2006. However, while it is clear that the Government expects this figure to increase to around 43,000 dwellings a year after that date, there is no certainty that this will be the actual figure adopted. Neither does RPG9 give any indication as to how this target would be divided amongst or within the counties. In the absence of strategic guidance on the overall amount of housing to be accommodated after 2006 and how any increase would be divided between districts, I do not consider it would be appropriate to increase the level of housing provision for Dacorum at this stage.
- 7.2.17. I have also taken account of the changes in housing policy introduced by PPG3. However, this is principally addressed at ensuring that new housing is built in the most sustainable locations and at sustainable densities rather than specifically at increasing housing provision. I do not consider, therefore, that it justifies increasing the level of provision proposed in the DBLP. Consequently, I recommend no change should be made to the level of housing provision proposed in Policy 15 in response to these objections but that the Council considers introducing an additional policy that seeks to identify and bring into use vacant properties.
- (e) *Should the policy allow for the level of provision to be reduced if actual needs are shown to be lower than expected?***
- 7.2.18. If the Borough’s Housing Strategy is to accord with the advice in PPG3 it is important that it allows for possible changes in housing need during the Plan period. In my view, the Council’s inclusion of a phasing policy (Policy 18) for housing development, which allows for development in the later phases to be held back if there is an oversupply, should provide the necessary flexibility to achieve this. It will of course need to be backed up by detailed monitoring and 5-year reviews of the Plan as recommended in PPG3, but I find no reason to believe that this will not take place.
- 7.2.19. I appreciate the concerns expressed by some objectors at the Housing RTS about the likely length of the review process. However, I do not consider that this, in itself, is sufficient reason to justify amending current policies. In any case the Government’s current far reaching review of the planning system should result in some improvements in the speed of the review process. I do not see any need, therefore, for any further changes to be made to Policy 15 or its supporting text to address the concern about the need to allow for the level of provision to be reduced in the future if actual needs are lower than expected.
- 7.2.20. There is no evidence that there has been a dramatic decline in the rate of household growth since the adoption of the Structure Plan. Indeed judging from sub-clause b of Policy H3 in RPG9, which was adopted as recently as March 2001, it is clear that the Government believe that the annual rate of provision in the South-East will have to rise significantly after 2006. I am not satisfied, therefore, that it is reasonable to assume at this stage that there will be any drop in the level of housing need in Dacorum before 2011. In the circumstances, I can find no justification for a reduction in the overall housing target figure in Policy 15. Consequently, I recommend that no modification be made to the Plan in the light of this objection.

**(f) Whether an annual rate of provision should be specified**

- 7.2.21. At least 2 of the objectors to this policy have suggested that the Council should include an annual rate of provision within Policy 15. Although the housing figures in RPG9 are set out on the basis of annual rates of provision, in line with the advice in paragraph 5.17 of PPG11, the Structure Plan does not take this approach. I acknowledge that paragraphs 138 and 143 of Explanatory memorandum refer to an annual completion rate of 3,250 dwellings for the County, but neither this figure nor annual provision rates for the individual districts are included in Policy 9. While it is clear from paragraph 34 of PPG3 that the Proposals Map must show sufficient sites to accommodate a minimum 5-year supply of housing land, there is nothing in the PPG to suggest that Local Plans should specify an annual rate of provision.
- 7.2.22. I appreciate that the subsequent practice note on the managed release of housing sites<sup>3</sup> indicates that an annual rate is an appropriate tool for responsive forward planning which does not require local plans to set fixed ceilings of housing numbers on a yearly basis. However, there is no suggestion that this was intended to imply that local plans should specify the housing requirement in terms of an annual rate of provision.
- 7.2.23. To my mind what is important is that the annual rate of housing construction is closely monitored during the Plan period to ensure that the amount of land developed for housing, particularly greenfield land, does not significantly exceed the housing need during the Plan period. I do not consider the inclusion of an annual rate of provision in the Plan is essential to ensure that this is achieved. In my view such an approach at a local level could potentially restrict flexibility, as the rate is more likely to be seen as an annual housing target. It also ignores the fact that annual construction rates are likely to fluctuate over the period due to changing economic circumstances. Paragraph 6.10 of PPG12 specifically cautions against precise specification of the number of houses to be provided on a year-by-year basis for this very reason. I am not satisfied, therefore, that the inclusion of an annual rate of provision would result in an improvement to the Plan. Consequently, I recommend that no modification be made to Policy 15 in the light of these objections.

**(g) Making sure that sufficient land is available**

- 7.2.24. Paragraph 28 of PPG3 makes clear that local plans should identify sites for housing and buildings for conversion and re-use sufficient to meet housing requirements after making an allowance for windfalls. It is clear, therefore, that local plans should seek to ensure that sufficient sites exist to meet housing requirements during the Plan period, even though paragraph 34 of PPG3 only requires sites for at least the first five years to be shown on the Proposals Map.
- 7.2.25. To my mind this is exactly what the DBLP seeks to do. Indeed it goes further than PPG3 in that it shows all the sites the Council believe are necessary to meet the requirement on the Proposals Map. Whether the Council’s assessment of the number and size of sites needed to meet the requirement is correct is a matter that I deal with in detail later in my report. However, even if some of their assumptions should prove to be inaccurate, I am satisfied that the general aim of the Plan’s strategy to identify

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<sup>3</sup> “Planning to deliver” – The managed release of housing sites: towards better practice. DTLR July 2001

sufficient land to meet the requirement is clear. I see no need, therefore to amend Policy 15 to include a more explicit reference to this.

**(h) Retention of dwellings**

7.2.26. While the retention of dwellings would not directly increase the number of dwellings provided, failure to control the loss of housing would ultimately lead to increased demand for housing. This would necessitate further increases in new dwelling provision, which clearly has implications for the amount of housing land required. In my view therefore the retention of dwellings forms a valid part of the overall housing strategy for Dacorum.

7.2.27. However, the use of the word “increase” before the reference to retaining existing dwellings in sub-clause (a) of Policy 15 has clearly lead to some confusion. I believe the clarity of the Plan would be improved if the word “increase” was deleted and this part of the Policy merely stated “This will be achieved by”. I recommend that Policy 15 be amended accordingly in response to these objections.

**(i) Specialist needs**

7.2.28. The Council’s Housing Needs Survey (HNS) did obtain evidence of need in respect of the frail elderly, disabled people, persons with a mental health problem, vulnerable young people and persons with impaired sight or hearing. However, there is little evidence that the Council has sought to directly address the need of these specific groups within the Plan. In the light of the advice in paragraph 13 of PPG3 it is clear that the government expects the findings of assessments of housing need to underpin local housing strategies and local plan policies. Policy 11 of the Structure Plan also requires that the housing needs of specialist groups be addressed in local plans.

7.2.29. Although paragraph 7.13 of the DBLP does make passing reference to special housing needs, none of the housing policies of the Plan seek to directly address this need. While the Council may believe that the need is subsumed within the requirement for affordable housing set out in Policy 21, I am not satisfied that this is sufficiently clear. In my view therefore the Plan does need to make more explicit reference to meeting the specialised needs of those specific groups mentioned in paragraph 13 of PPG3. However, I consider this issue would be better addressed by making amendments to Policy 19 and its supporting text rather than to Policy 15. I therefore recommend that the Plan be modified in accordance with my recommendations in paragraph 7.6.26 in order to meet this element of objection 4808.

**(j) Phasing**

7.2.30. Paragraphs 32 to 34 of PPG3 set out the national policy on the allocation and release of land for development. These paragraphs recommend that local authorities should manage the release of sites over the Plan period and encourage the use of phasing policies in order to achieve this. The subsequent practice note<sup>3</sup> endorses this advice. This indicates that a phased approach to the release of housing sites is most likely to provide the sensitivity and flexibility required for the plan, monitor and manage approach set out in PPG3. I am satisfied, therefore, that the inclusion of the reference to phasing in Policy 15 is entirely consistent with national advice. I, therefore,

recommend no modification be made to the Plan in the light of this element of objection 1573.

- 7.2.31. In relation to objection 1277, I note that the Plan allows for the phasing of development through the provisions of Policies 15 and 18 and the Housing Schedule. Identified housing sites are allocated to three phases. Phase I includes sites which can be brought forward at any time up to 2011. Phase II refers to sites to be developed after 2006. While Phase III sites are reserved for implementation after the Plan period. There are both brownfield and greenfield sites in Phase I, but all the Phase II sites are greenfield sites. Policy 18 allows for the latter to be held back if additional brownfield land comes forward within the urban area prior to 2006.
- 7.2.32. It is clear from the advice in the new practice note<sup>3</sup> that the Government expects phasing systems to be dynamic and responsive. In particular, it envisages that sites may be re-assigned to different phases. This means that the Plan should not only allow for the possibility of sites being held back but also for them being moved forward. I am not satisfied that the current wording of Policy 18 entirely accords with this advice. I accept, therefore, that it may require some modification to ensure that the phasing strategy is more responsive. I have, therefore, examined this point further in reaching my conclusions on the objections to Policy 18 in section 7.5 of the report.
- 7.2.33. In terms of the appropriate length of the phases, the practice note<sup>3</sup> states that there is no hard and fast rule for their duration. It suggests, however, that the first phase could last for five years until the planned revision date for the Plan. It indicates that longer phases will be appropriate where authorities have a great deal of certainty and shorter ones (for example 3 years) where less certainty exists. However, it accepts that in view of the range of factors influencing when sites are ready for development phasing periods of less than five years duration will need to be supported by robust monitoring.
- 7.2.34. Since the housing strategy relies on a large number of unidentified sites coming forward, I consider that there is less certainty about the housing situation in Dacorum. In the circumstances, I believe that it would have been more appropriate for the Deposit Draft of the Plan to have provided for a larger number of shorter phases (e.g. 3 or 4 years). However, I have to bear in mind that by the time the Plan is formally adopted there is likely to be only 3 years remaining until 2006. In the light of this and in the absence of a clear and robust monitoring framework I am not satisfied that it would be reasonable or sensible to recommend that the proposed phasing periods be shortened at this stage. Nevertheless, I would strongly urge the Council to consider adopting shorter phases in any subsequent review of the Plan.
- 7.2.35. Turning to the question of whether more of the proposed provision should be held back until after 2006 I note that within the original Deposit Draft of the Plan some 1129 dwellings are proposed on greenfield sites in Phase I<sup>4</sup>. This constitutes 53% of the total number of dwellings in this phase. As at January 2000, 185 of these dwellings had already been completed<sup>5</sup>. This leaves 944<sup>6</sup> houses to be built on greenfield land in

<sup>4</sup> See Table 1 of the Deposit Draft (CD46). The sites that make up this figure are listed in Table C of LPA Doc 164 DBC/1A. However a small number of these sites, e.g. H1, H19 and H21, amounting to some 82 dwellings, could in my view fall within the definition of previously developed land contained within Annex C of PPG3.

<sup>5</sup> See Appendix 9 to CD57

Phase I. The total area of greenfield land in Phase I is 55.41 ha<sup>7</sup>, of which around 31.4 hectares falls within the urban area, as defined in the adopted Dacorum Borough Local Plan (CD39).

- 7.2.36. The Council’s pre-inquiry changes, if adopted, would provide for 1179 dwellings to be built on greenfield land in Phase I, an increase of 50 units on the figures in the Deposit Draft. However, this would constitute a lower percentage (48.8%) of the total figure since additional dwellings are also proposed on previously developed land. Deducting the number of dwellings completed by January 2000 would leave 994<sup>8</sup> dwellings to be built on greenfield sites in Phase I. The total area of land would be about 52.54 ha, of which some 43.4 ha in this case would fall with the urban area. Consequently, although there would be a larger number of units on greenfield land under the proposed pre-inquiry changes, less land would be used and a higher proportion of the land take would occur within the existing urban area.
- 7.2.37. Nevertheless, the percentage of housing to be built on greenfield land in Phase I, as set out in both the original Deposit Draft and the Composite Plan, would not accord with the Government’s target of 60% of housing development taking place on previously developed land. I can therefore understand the objector’s desire to see more greenfield land being held back until later phases.
- 7.2.38. However, the figures in paragraphs 7.2.35 and 7.2.36 relate solely to the identified housing sites. The Council anticipates that a large number of housing units would also be constructed on unidentified sites within the urban area. When these are taken into account it is contended that the Government’s target will be achieved. Indeed Table 2 of the Plan, indicates that the remaining housing programme should result in 65%<sup>9</sup> of new housing being built on land within the urban area.
- 7.2.39. I have some doubts as to whether all of the housing predicted from unidentified sites will come forward during the Plan period. However, I am not satisfied that any shortfall would be of such substance as to result in the remaining housing programme falling below the Government’s target for the reuse of urban land. I therefore do not consider it is necessary for the proposed phases or the list of the sites within the various phases to be modified in order to ensure that the Government’s target for the amount of housing on previously developed land is met.
- 7.2.40. I am much more concerned about the proportion of greenfield land that is allocated to Phase I when compared with the relatively small amount of land that would be held back until after 2006. PPG3 makes clear that where possible previously used land should be developed before greenfield sites. In my view, therefore, it would only be appropriate for greenfield sites to be included in Phase I if their inclusion is essential to ensure that there would be a 5-year supply of housing land readily available.
- 7.2.41. Many of the smaller identified housing sites, which have detailed permission, have already been completed. In addition, very few of the large sites, apart from the John Dickinson site (TWA3), had detailed planning permission at the time the Inquiry

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<sup>6</sup> This figure differs from that shown in Table 12 of CD57 by 30 units. The reason for this is not clear.

<sup>7</sup> This includes the whole area of the site specified in the Housing Schedule although the schedule makes clear that on some of the sites e.g. H19, H38 and H39 only part of the site remains to be developed.

<sup>8</sup> Again there is a discrepancy of 30 units from that shown in Table 13 of CD57.

<sup>9</sup> This figure jumps to 65.2% under the Pre-inquiry changes – see PIC24

closed. There appears, therefore, to be a limited landbank of housing sites with detailed planning permission. Since some of the previously developed sites may require substantial reclamation, there could be some delay in these sites coming forward. I accept, therefore, that in the light of these facts it is necessary for some greenfield housing to be allocated to Phase I.

7.2.42. Moreover, it is apparent that many of the larger greenfield sites proposed in Phase I would require significant infrastructure investment in advance of any housing development. The practice note<sup>3</sup> makes clear that in these circumstances the inclusion of such sites in an early phase of the Plan may be appropriate. I accept therefore that in order to ensure a continuing 5 year supply of housing land it will be necessary to include a higher proportion of greenfield sites in Phase I than would be justified on the basis of the annual completion rate.

7.2.43. Nevertheless, I consider the amount of greenfield land contained within Phase I, when compared with the small number of units held back until after 2006 exceeds what is required to ensure a 5 year supply of readily available housing land. I accept that it may be necessary for some of the larger greenfield sites to be included in Phase I to allow time for the necessary infrastructure to be put in place. However, I see no reason why many of the smaller sites, (i.e. those that would provide less than 100 dwellings) could not be held back until after 2006. In my view, this would not only ensure greater flexibility for any subsequent review of the Plan but it would also accord more closely with the objectives of PPG3. I therefore recommend that the Council review the greenfield sites in Phase I and consider re-allocating most of the smaller sites, where there is no requirement for substantial infrastructure investment, to Phase II.

**(k) *The component policies***

7.2.44. I deal with the relevant component policies either in earlier chapters of the report or in the subsequent sections of this chapter<sup>10</sup>. I accept that modifications are necessary to some of these policies. However, I do not consider that any of these necessitate consequent changes to Policy 15. I therefore see no need to recommend any modification to Policy 15 in the light of objection 1675.

**(l) *Best use of developed land and the sequential test***

7.2.45. The sequential test in paragraph 30 of PPG3 states that local authorities should look first to previously developed land within urban areas to meet housing requirements before looking at urban extensions on greenfield land. I appreciate that the DBLP does not currently reiterate this test, but, in my view, it is apparent from the phasing policy and the choice of housing sites that this is the approach the Council has sought to adopt.

7.2.46. Nevertheless, I acknowledge the sequential test is not expressed as explicitly as it could be. I have already recommended modifications to the supporting text to Policy 1 (*see paragraph 4.3.52*), which in my view would make the sequential strategy for the location of new development clearer in respect of unidentified sites. However, it seems to me that the clarity of the housing strategy would be improved and its

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<sup>10</sup> For Policies 1-6 see sections 4.6, 4.8, 4.11, 4.41, 4.42 and 4.43, for Policy 7 see section 5.1, for policies 16-22 see sections 7.3 to 7.9.

conformity with PPG3 made clearer, if specific reference to the appropriate sequential approach was also made in the background text to Policy 15. I therefore recommend that the background text to Policy 15 be modified to include a reference to the sequential test for housing set out in PPG3.

**(m) Windfall sites**

7.2.47. I note the objector’s concern about the assessment of subsequent applications for development of windfall sites in the Green Belt, particularly in respect of land at Shendish Manor (*See section 7.59 of the report*). However, in my view, the criteria contained in the policies of the Plan would be sufficient to enable the Council to resist subsequent proposals for unacceptable windfall development, subject to the modifications I have recommended elsewhere in my report. I, therefore, recommend no modification to the Plan in the light of objection 1661.

**(n) Implementation of the policy**

7.2.48. Since the Plan has not been formally adopted, Policy 15 of the DBLP cannot strictly said to have been implemented. I note that the Policy is similar in some respects to Policy 13 of the adopted Plan (CD39), but there are a number of significant differences between the two policies. In particular the earlier policy makes no reference to meeting housing needs relating to size and affordability or to new dwellings being provided at suitable densities. It is clear, therefore, that the inclusion of affordable housing as a central element of the housing strategy is relatively new.

7.2.49. The Affordable Housing Technical Report (CD57A) states that as at 1999 some 664 affordable dwellings had been completed. This constituted 23% of all completions. While this falls some way below the Council’s proposed target of 2900 affordable dwellings in Policy 21, which amounts to some 40% of the total housing figure, I consider that this target is unrealistic.

7.2.50. In my opinion, the construction of 664 dwellings within the first 8 years of the Plan constituted an appropriate amount of affordable housing for this period. My view is strengthened by the fact that during this time Policy 19 of the adopted Plan was the relevant affordable housing policy. This is generally much weaker than the proposed new Policy 21. Moreover the changes in national policy, which sought to give greater encouragement to the provision of affordable housing, were not formally published until 1996<sup>11</sup> and were only issued in their present form in 1998<sup>12</sup>. The current robust policies on affordable housing would therefore only have started to influence the level of provision during the latter part of the relevant eight-year period.

7.2.51. I note that the Council is unable to confirm the number of these dwellings that have been occupied by local people. However, judging from the terms of the legal agreements that have been adopted for some of the schemes, it would appear that in most cases restrictions have been placed on their occupation which would ensure that the majority of tenants came from within the Borough.

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<sup>11</sup> DOE Circular 13/96 “Planning and Affordable Housing” – August 1996

<sup>12</sup> DETR Circular 6/98 “Planning and Affordable Housing” – April 1998

7.2.52. The picture for the rest of the new housing stock is less clear. However, if one takes into account that Dacorum is subject to a net migration of population it seems likely, in my view, that most of the new housing that has been provided would have met the needs of local residents. Certainly there is no evidence that a significant amount of housing has been taken up by those moving into the Borough from elsewhere. In the circumstances, I find no reason to believe that the Policy has not been properly implemented to date. Accordingly, I am not satisfied that there is any need to modify the Policy in response to this objection.

**(o) 4-bedroom dwellings**

7.2.53. I appreciate the objector’s concern about the number of 4-bedroomed houses that have been constructed in the Borough over recent years. However, there is no evidence that the construction of 4-bedroom dwellings has outstripped actual need. While the Council undoubtedly needs to take care in future to ensure that the mix of dwelling sizes and types accurately reflects local housing needs, I am not satisfied that it would be appropriate to prevent any further increase in the number of 4-bedroom houses. There is no evidence before me that there is no need for such units. More importantly, if the objectives of PPG3 are to be achieved, it is essential that large new housing developments include a full range of house types and sizes to help create mixed and inclusive communities. Accordingly, I recommend that no modification be made to Policy 15 in answer to objection 3842.

**(p) Accuracy of policy background**

7.2.54. The County Council contends that there are a number of parts of the reasoned justification to Policy 15 that are not strictly accurate. In respect of paragraph 7.2 they recommend that sub-clause (ii) should be replaced with ‘demographic projections’; sub-clause (iii) should refer to RPG9 and sub-clauses (iv) to (vi) should be deleted. In paragraphs 7.3 and 7.5 they suggest that the reference to 1989-based household forecasts should be changed to ‘demographic projections’. They also recommend that modifications should be made to the wording of paragraphs 7.7 and 7.8.

7.2.55. Turning first to the wording of paragraph 7.2, I note that under PIC19 the Borough Council proposes to amend sub-clause (ii), by deleting the word ‘requirements’ and substituting the words “population and households”. They also propose to omit sub-clauses (iv) to (vi). I accept that the revised wording of sub-clause (ii) would be more accurate than that originally proposed. However, I do not find it as succinct as the wording suggested by the County Council.

7.2.56. In my view it is only necessary for the Local Plan to give a very brief summary of the process by which the housing figure in the County Structure Plan Review was arrived at. The process is already explained in detail in the Explanatory Memorandum. I, therefore, see no reason for it to be reiterated here. In my opinion, it would be sufficient at this point merely to refer to ‘demographic projections’ as the County Council suggests. This would not only make the background to Policy 15 more concise but it would also help to reduce the overall length of the Plan. As I have already indicated earlier in the report I believe this to be an important consideration.

7.2.57. No change has been proposed to sub-clause (iii) in the response to this objection. However, in the light of the publication of the revised version of RPG9 in March 2001

it will be necessary for the paragraph to make clear that the figure of 3,333 additional dwellings was included in the earlier version of RPG9. I, therefore recommend that sub-clause (iii) be amended accordingly.

- 7.2.58. I do not believe sub-clauses (iv), (v) and (vi) are necessary to explain the process by which the Structure Plan Review figure was arrived at. Nor in my view are they essential to a proper understanding of the Council’s housing strategy. In the circumstances, I am satisfied that they can be deleted. I, therefore, support this aspect of PIC19.
- 7.2.59. Turning to the proposed change to paragraph 7.3, I accept that it is accurate to say that the original Structure Plan Review proposals were formulated in the light of the 1989-based forecasts. However, it is clear from the EIP Panel’s report (CD30) that the 1992-based projections were also taken into account prior to the final adoption of the Structure Plan. I consider, therefore it would be more appropriate to refer to demographic projections in general rather than to one forecast in particular.
- 7.2.60. However, I would question whether any of this paragraph is essential. For the most part it appears to reiterate what is said more succinctly in the previous paragraph. The only additional information it contains is the reference to the endorsement of the EIP. However, in my view this reference is unnecessary, as the Structure Plan Review has now been formally adopted. In the light of this and the publication of the new RPG9 I consider that the whole of the background to Policy 15 needs to be substantially rewritten. Not only would this enable the text to be brought more up to date but it would also allow the Council the opportunity to make it much more concise.
- 7.2.61. In respect of paragraph 7.5 I agree it would be preferable for the reference to the 1989 forecast to be made more general for the reasons I have already given. The removal of reference to the 1992 based forecast in Paragraph 7.7 would improve its accuracy. I therefore endorse this part of PIC20. However, the amendments in respect of the review of the RPG and the roll forward of the Structure Plan are now out of date. At the very least the paragraph will need to be modified to refer to the adoption of the new version of RPG9 in March 2001 and the revised figures it contains.
- 7.2.62. I note the suggestion that paragraph 7.8 should also refer to various other kinds of development opportunity. However, it is clear to me that the regeneration strategy is chiefly aimed at infilling, conversion of buildings and the reuse of old industrial areas as paragraph 7.8 states. More importantly, the wording of this paragraph would not prevent other kinds of development opportunities being considered. In the circumstances, I am not satisfied that the proposed amendment to paragraph 7.8 would be warranted.
- 7.2.63. In conclusion, I recommend that the Council review the background to Policy 15 with the dual objectives of updating it and making it more succinct. In respect of the specific points raised, I recommend that paragraph 7.2 be modified by the deletion of sub clause (ii) and its replacement with the words “demographic projections”; the deletion of sub-clause (iii) and its replacement with the words “Government regional planning guidance (RPG9 – 1994) which recommended the provision of 3,333 additional dwellings in Hertfordshire each year between 1991 and 2006”; and the deletion of sub-clauses (iv), (v) and (vi) in accordance with PIC19. In addition, I recommend that paragraph 7.3 be deleted, the words ‘1989-based forecast’ in

paragraph 7.5 be replaced by the words “demographic projections” and that paragraph 7.7 be amended by deleting the words ‘1992-based’ and replacing the word ‘this’ with “these”. I also recommend that this paragraph should be modified to take account of the publication of the latest version of RPG9 in March 2001 and the figures it contains.

**(q) Appropriateness of paragraph 7.12**

7.2.64. As I have already indicated in paragraph 7.2.9 of my report, I consider the text of paragraph 7.12 of the Plan is inappropriate, in the light of the changes in national housing strategy. I therefore support PIC21, which seeks to delete it. I am satisfied that this would meet this element of objection 4048. I appreciate the reasons why objection (5591PC) has been made to its deletion but in the light of my earlier findings regarding its inconsistency with the ‘plan, monitor and manage’ approach outlined in PPG3, I am satisfied that the Plan would be better without it. I therefore recommend that the Plan be modified by the deletion of this paragraph in accordance with PIC21.

**(r) Capacity of Tring**

7.2.65. For the reasons I have already set out in section 7.1 of my report I conclude that Tring does have the capacity to accommodate the small amount of additional housing provision that is proposed in the Plan, subject to any infilling on windfall sites being carefully controlled. I therefore recommend no modification be made to Policy 15 in response to objections 1172 and 1924.

**Recommendation**

7.2.66. **The Plan be modified as follows:-**

- (a) Policy 15 be amended by replacing the phrase “The increase will be achieved by” with the phrase ‘This will be achieved by’.**
- (b) The background to the Policy should be revised to make it more concise and to reflect the adoption of the Structure Plan and the publication of the revised versions of PPG3 and RPG9. In doing so the following recommendations should be taken into account:-**
  - ◆ In paragraph 7.2**
    - (i) Replace the wording of sub-clause (ii) with the words ‘demographic projections’;**
    - (ii) Amend the wording of sub-clause (iii) to read:-**  
**“Government Regional Planning Guidance for the South-East (RPG9 – March 1994) which recommended the provision of 3,333 additional dwellings in Hertfordshire each year between 1991 and 2006.”**
    - (iii) Delete sub-clauses (iv), (v) and (vi) in accordance with PIC19.**
  - ◆ Delete paragraph 7.3.**
  - ◆ In paragraph 7.5**
    - (i) Replace the words “1989-based forecast” with the words ‘demographic projections’**
    - (ii) Insert ‘March 1994’ in the brackets after RPG9.**
  - ◆ In paragraph 7.7**
    - (i) Delete “1992-based” and replace the word “this” with the word ‘these’**

in accordance with PIC20;

(ii) Update the reference to RPG9 to take account of the revised annual average figure for Hertfordshire up to 2006 and the expected increase required after that date.

- ◆ Delete Paragraph 7.12 in accordance with PIC21
- ◆ Reference to the sequential test for housing in PPG3 should be inserted.

(c) Amend Policy 18 in accordance with paragraph 7.5.59 of this report.

(d) Alter Policy 19 in accordance with paragraph 7.6.26.

7.2.67. In addition, the Council reviews the Housing Schedule with the objective of re-assigning most of the smaller greenfield sites on which development has yet to be commenced from Phase I to Phase II.

7.2.68. Finally the Council considers including an additional policy which specifically seeks to identify and bring into housing use empty housing, vacant commercial buildings and upper floors above shops in line with the guidance in paragraph 41 of PPG3.

### 7.3. POLICY 16 : RETENTION OF HOUSING

#### Objections

<i>Rep No.</i>	<i>Name</i>
5069	Tring Environmental Forum

#### **Key Issue**

(a) Mixed use development should be encouraged in urban areas. (5069)

#### **Inspector’s Conclusions**

7.3.1. In the light of the high level of housing need in the Borough and the tight constraints imposed by the Green Belt, I consider it is reasonable for the Plan to include a policy that seeks to prevent the loss of existing dwellings and land allocated for residential development. Policy 16 would not, in my view, prevent appropriate mixed use schemes from taking place, particularly if Policy 7 is modified along the lines I have recommended in paragraph 5.1.57 of my report. Clause (d) in particular would allow the Council to permit a mixed use scheme on residential land where there were significant planning advantages. Accordingly, I see no need for any modification to be made to Policy 16 in response to objection 5069.

#### **Recommendation**

7.3.2. No modification be made to the Plan in respect of Policy 16.

## 7.4. POLICY 17 : SUPPLY OF NEW HOUSING

### Objections

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
498	Egerton-Rothesay School Ltd	1937*	H & I Glasser Ltd
503	Mr R E Margrave	1944	Taywood Homes Ltd
590	The House Builders Federation	2847	British Waterways
955	Lattice Property	2991	Mr & Mrs D Brasier
1046	Apsley Developments Ltd	3245	A Frazier
1071	Markyate Society	3706	Silvermere Developments
1235	The Chiltern Society	3744	Government Office for East of England
1278	CPRE – The Hertfordshire Society	3787	Mrs S Gregory
1522	Kings Langley & District Residents' Association	3796	Mr & Mrs M Tomlinson
1544	Linden Homes South-East Ltd	3811	Mr & Mrs P H Gee
1588	Councillor J Anderson	3821	Mr D Chandler
1595	Mrs A Johnson	3832	Old Road Securities plc
1614	Mr T Wooding	4137	A J Patterson
1618	Mrs A Wooding	4185	English Partnerships
1622	Mrs A Bowen	4286	Mrs B Lea
1676	Mr P Witt & Ms S Wareham	4737	Gleeson Homes
1734	Mrs M Wilson	4809	The Directors of Shendish Manor Estate
1820	Wilcon Development Group Ltd	5070	Tring Environmental Forum
1888	Chiltern District Council	5153	Mr Tony McWalter MP
1903	Hemel Hempstead Team Parish PCC		

### Counter-objections

To pre-inquiry change 22

5282 PC	Tring Town Council	5592 PC	Mr P Witt & Ms S Wareham
5317 PC	Wilcon Development Group Ltd	5620 PC	The Directors of Shendish Manor Estate
5373 PC	Linden Homes South-East Ltd	5637 PC	Taywood Homes Ltd
5397 PC	CPRE – The Hertfordshire Society	5681 PC	Apsley Developments Ltd
5579 PC	Mr & Mrs D J Proctor		

To pre-inquiry change 23

5318 PC	Wilcon Development Group Ltd	5621 PC	The Directors of Shendish Manor Estate
5339 PC	Lattice Property	5682 PC	Apsley Developments Ltd
5374 PC	Linden Homes South-East Ltd	5739 PC	Felden Park Farms Ltd

To pre-inquiry change 24

5319 PC	Wilcon Development Group Ltd	5622 PC	The Directors of Shendish Manor Estate
5375 PC	Linden Homes South-East Ltd	5683 PC	Apsley Developments Ltd
5593 PC	Mr P Witt & Ms S Wareham	5740 PC	Felden Park Farms Ltd

### Supports

3878	Mr & Mrs D J Proctor	5021 L	J James
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### Supports for pre-inquiry changes

For pre-inquiry change 23

5398 PC	CPRE – The Hertfordshire Society
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For pre-inquiry change 24

5399 PC	CPRE – The Hertfordshire Society
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## Key Issues

### General

- (a) Does the policy contain a typographical error. (3744)

### The Structure Plan target

- (b) Has the level of provision specified in the Structure Plan been based on an accurate and reliable assessment of need for various different types of housing. Is it based on an appropriate demographic profile. Has the need been adequately proven on the basis of the sequential test set out in PPG3. Does the strategy take adequate account of sustainability considerations. (1820, 5070)
- (c) Is it appropriate for account to be taken of vacancy rates. (5070)
- (d) Is the overall level of housing justified. Would it lead to Potten End being unacceptably enclosed by housing. (2991)

- (e) Would the proposed provision lead to an oversupply of housing land in excess of the Structure Plan requirement. (1522)
- (f) Is there any justification for setting a higher housing target for Dacorum than that set in the Structure Plan. (4809)
- (g) Do the Council’s proposed pre-inquiry changes conform to Structure Plan policy. (5317PC, 5318PC, 5319PC)

#### The Housing Strategy in general

- (h) Is the strategy over simplistic. (4137)
- (i) Is it in conformity with the advice in PPG3. Should the maximum amount of provision be made on well located, previously developed sites in existing urban areas and the number of greenfield sites be reduced. Alternatively does more greenfield land need to be allocated to be certain of meeting the Structure Plan target. (498, 955, 1522, 1595, 1614, 1618, 1622, 3832, 5070, 5153)
- (j) Is it essential that a 5-year of supply of housing is provided. (498, 3811, 3832)
- (k) Is it appropriate for the housing allocation to be phased. Should reference to phasing be included in Policy 17. (590, 1046, 1544)
- (l) Does the strategy assume unduly low housing densities. (5153)
- (m) Is it appropriate for housing sites to be allocated in the Chilterns Area of Outstanding Natural Beauty (AONB). (1888)

#### Housing completions

- (n) Are the figures for the number of houses built accurate. (1734)
- (o) Is it misleading to include sites that have been completed in the list of identified sites, e.g. H38, H39 and H40. (3245, 3787, 3796, 3811, 3821, 4286).

#### Identified sites

- (p) Is there sufficient confidence that the proposed housing strategy can meet the housing target or does it rely too heavily on assumptions. Are all the identified sites likely to come forward during the Plan period. Ought the number of identified sites to be increased to provide a greater degree of certainty or should they be decreased in the absence of a recent urban capacity study. (498, 590, 955, 1046, 1278, 1522, 1544, 1676, 1820, 1903, 3811, 3832, 4185, 4809, 5339PC, 5573PC, 5637PC).
- (q) Should the identified sites be broken down into hard and soft commitments. (1944)

#### The inclusion of a non-implementation allowance

- (r) Should provision be made for a non-implementation allowance. (590, 1046, 1544, 1676, 1944, 4809)

#### Unidentified/windfall sites

- (s) Is it appropriate to break the windfall figures down into different categories. Should a simpler assessment of windfall sites be made. (590, 1820)
- (t) Whether or not the housing strategy places undue reliance on a substantial amount of unidentified/windfall sites coming forward during the Plan period. Will such a level lead to “town cramming”. Is it appropriate to assume that past rates of windfall sites in established residential areas will continue. (498, 503, 590, 1046, 1278, 1544, 1676, 1903, 1937, 1944, 3706, 3787, 3796, 3811, 3821, 3832, 4185, 4737, 4809, 5373PC, 5374PC, 5375PC, 5592PC, 5593PC, 5637PC, 5681PC)

- (u) Are the figures for housing expected from previous industrial sites justified. Ought they to be increased or reduced. (498, 590, 1046, 1235, 1278, 1544, 1944, 3811, 3832, 4185, 4809)
- (v) Is the figure for the number of unidentified sites expected to come forward within towns and large villages during the Plan period appropriate. (590, 1046, 1522, 1544, 1944, 3832, 4185, 4809)
- (w) Whether the level of provision expected from town centre sites is correct. (498, 590, 1046, 1544, 1944, 3811, 3832, 4809)
- (x) Is the assumption for the amount of windfall housing expected in the selected small villages and countryside unduly optimistic. (498, 590, 1046, 1544, 1944, 3811, 3832, 4809)
- (y) Should the housing figures include an allowance for other windfall sites. If so is this set at a sensible level. (498, 590, 1278, 1544, 1944, 3811, 3832, 4185, 4809)
- (z) Is it appropriate for the windfall figures to include greenfield sites. (955, 1544)

#### Loss of dwellings

- (aa) Is the assumed figure for the loss of dwellings appropriate. (1944)

#### The housing reserve

- (bb) Is it appropriate to include a housing reserve in the light of the advice in PPG3. Is the size of the reserve acceptable or does it need to be increased. Alternatively should the reserve sites be included in Parts I and II or should they be omitted. (498, 503, 1071, 1235, 1278, 1522, 1544, 3706, 3787, 3796, 3811, 3821, 3832, 4809, 5397PC)

#### Individual settlements and sites

- (cc) Should more housing land be allocated in Bovingdon. (503)
- (dd) Ought the site at Durrants Lane/Shootersway (H52) to be brought forward into an earlier phase. (498)
- (ee) Should the site at Lock Field, Northchurch (H53) be developed during the plan period. (5373PC, 5374PC, 5375PC)
- (ff) Is it appropriate for Hemel Hempstead Phase III (H54) to be deleted. (5317PC, 5318PC, 5319PC, 5579PC)
- (gg) Should housing sites TWA6 and TWA7 be retained in the Plan. (5682PC, 5683PC, 5739PC, 5740PC)
- (hh) Ought the policy to make provision for the housing development on the gas works site and on adjacent land (TWA8). Is this site deliverable. (955, 5339PC, 5373PC, 5374PC, 5375PC)
- (ii) Is it appropriate for the employment site at Buncefield Lane (West)/Wood Lane End (South) (E2) to be allocated instead for housing. (5620PC, 5621PC, 5622PC)
- (jj) Should the employment site at North East Hemel Hempstead (E4) be used for housing. (1588)
- (kk) Does Tring have the capacity to accept more housing. Would it be appropriate to increase the number of houses on identified sites by including a number of additional sites in Tring. (1734, 3245, 4286, 5282PC)

#### Other issues

- (ll) Should the policy include a reference to residential moorings. (2847)

## Background

- 7.4.1. Policy 17 sets out the Council’s calculations for the amount of additional housing that they consider will be required to achieve the Structure Plan requirement. It also identifies the level of housing that the Council expects to be delivered from both the housing proposal sites identified in the Plan and from other unidentified sites which it believes are likely to come forward during the Plan period.
- 7.4.2. The original calculation in the Deposit Draft was based on the situation as at 31 March 1997. At that time the Council’s monitoring exercise showed 2,308 houses as having been completed in the period between 1 April 1991 and 31 March 1997. The Council deducted this figure from the Structure Plan requirement to identify that 4,892 additional dwellings would be required in the 14 years remaining until 2011, which is the end of the Plan period.
- 7.4.3. Policy 17 shows this would be met by the construction of 2,573 dwellings on the housing proposal sites and a further 2,347 dwellings being built on other unidentified sites. This latter figure is broken down further into 5 different categories (existing employment land; residential areas of towns and large villages; town and local centres of towns and large villages; selected small villages and the countryside and other windfall sites). The table also includes a figure for the number of dwellings that they expected to be lost during the Plan period. Finally a figure of 340 dwellings, for sites that were identified in Phase III of the Schedule of Housing Proposal Sites as being reserved for implementation after the Plan period, is shown. The combined total amounts to 7,540 dwellings, which is 340 dwellings more than is required by the Structure Plan.
- 7.4.4. Subsequent to the receipt of the objections to the Deposit Draft the Council decided to make a number of pre-inquiry changes to the Plan in respect of the housing sites identified in the Housing Schedule. In particular they proposed the deletion of a number of Green Belt sites on the edge of Berkhamsted, Hemel Hempstead and Kings Langley and the inclusion of some additional sites within the existing urban area, such as the sites at Breakspear Way and the Gas Board land at Apsley. In the light of these changes they found it necessary to propose changes to the figures in Policy 17. Under PIC22 the figure for identified sites would be increased to 2,762 dwellings, the figure for Part III sites reduced to 160 dwellings and the combined total increased to 7,549 dwellings, 349 dwellings more than the Structure Plan requirement.
- 7.4.5. In January 2000, shortly before the Inquiry commenced, the Council published a Housing Technical Paper (CD57). This sought to explain the background to the Council’s housing strategy and the process by which the housing figures were arrived at. It also sought to update the picture by revising the housing figures in Policy 17 to take account of net completions as at 31 March 1999. Table 10 of the document therefore shows the proposed housing programme as at 1 April 1999. The revised figures are set out in 2 columns. The first excludes the pre-inquiry changes in respect of the housing proposal sites and the second includes them.
- 7.4.6. Table 10 shows that by 31 March 1999 2,937 dwellings had been completed. 4,263 dwellings therefore remained to be completed in the 12 years up to 2011. The figures excluding the pre-inquiry changes show that 2,256 dwellings would come from sites identified in the Plan and 2,035 dwellings from unidentified sites. In contrast the

figures including the pre-inquiry changes show 2,445 dwellings coming forward from identified sites and 2,026 dwellings from unidentified sites. The table also shows an increased figure of 36 dwellings lost during the Plan period. There are no changes to the figures for the Phase III sites. The combined total for both columns is shown as 7,532 dwellings, 332 dwellings more than the Structure Plan requirement. It is within this overall context that I have considered the objections to Policy 17.

## **Inspector’s Conclusions**

### General

#### **(a) *Typographical error***

7.4.7. The Council accepts that the reference to the assumed supply of unidentified sites in Policy 17 should have referred to sites of up to 1 hectare rather than sites of 1 hectare. They therefore propose to correct this as part of PIC22. Since this would be more accurate and would address the objection I endorse this element of PIC22. I also note that the Council proposes under PIC22 to correct clause 3 of the table in Policy 17 by changing the word “lost” to ‘loss’. As this would improve the grammatical precision of the Policy I also support this amendment. In the circumstances, I recommend that the Plan be modified accordingly.

### The Structure Plan target

#### **(b) *Need, demographic profile, sustainability and the sequential test***

7.4.8. For the reasons I have already set out in paragraphs 7.2.2 to 7.2.6 of my report I am satisfied that the level of provision specified in the Structure Plan was based on a reasonably reliable assessment of need. I therefore see no need to amend the 20-year Structure Plan requirement figure in Policy 17.

7.4.9. The assessment of need for various different types of housing is, in my opinion, less robust. While the latest demographic projections support the need for additional smaller units of housing it appears that only limited work has been done on assessing the needs for other types of housing. In my view, further research in this area would enable the Council to implement their housing strategy more effectively and help to ensure that all housing needs are fully met over the Plan period. While I do not believe this warrants modifying the Plan at this stage, I would encourage the Council to undertake further work in this area so that they can more accurately monitor whether the housing that is constructed is meeting actual housing needs.

7.4.10. Turning to the question of need and the sequential test the two in my view are not directly related. I have no doubt that the Structure Plan assessment of need was sufficiently accurate when it was carried out. Subsequent demographic projections and RPG9 suggest that in the longer term (i.e. after 2006) the actual level of need may be higher. However, as I have already indicated in section 7.2 I do not consider there is sufficient certainty about the implications that this will have for housing provision in Dacorum to justify amending the Structure Plan housing requirement at this stage.

7.4.11. Clearly the sequential test, in the form it is set out in PPG3, was not in existence either when the Structure Plan figure was adopted or when the DBLP was placed on deposit.

Nevertheless, both the SPR and the DBLP, in my opinion, follow the general principles of the test since they give greatest priority to urban regeneration.

- 7.4.12. Although the SPR makes provision for much of the housing requirements to be met on existing urban sites, HCC reached the conclusion after careful consideration that the housing requirement could not be achieved through urban regeneration alone. Policy 8 of the SPR therefore proposed strategic allocations of 1000 dwellings on various peripheral sites at Hemel Hempstead, including North East Hemel Hempstead, and 3,600 dwellings west of the A1 (M) at Stevenage<sup>13</sup>. Where greenfield development was considered necessary, therefore, it was proposed in the form of urban extensions. In my view, this approach is generally consistent with the sequential test in PPG3.
- 7.4.13. Although I believe the DBLP ought to give greater prominence to sustainability considerations (*See paragraphs 6.8.5 to 6.8.12*), I am satisfied that the Council’s general approach to housing provision is predicated on the basis of sustainability. While the Council’s ranking of some of the identified sites is, in my view, questionable, I consider that the overall strategy of the Plan accords with national and strategic guidance on sustainability.
- 7.4.14. I appreciate the concern about the proposed deletion of the Phase III housing site at West Hemel Hempstead (H54). However, I am not persuaded that the deletion of this site would make the overall housing strategy less sustainable. Indeed it could be argued that the proposed inclusion of alternative housing sites within the existing urban area (e.g. TWA8) would constitute a more sustainable approach. In consequence, I recommend no modification be made to Policy 17 or its background text in the light of these objections.

**(c) Vacancy rates**

- 7.4.15. As I have already stated in paragraph 7.2.14 of my report, I find no reason to question the conclusion of the EIP panel that it was appropriate for HCC to assume a reduction in countywide vacancy rates to 3.5% in drawing up the housing figure for the County. Nor can I find any evidence to support the view that this reduction is unlikely to be achieved. Even if it is not, I note that the vacancy rate in Dacorum is already well within the target figure. I do not consider therefore that failure to achieve the countywide projected reduction in vacancy rates would necessarily justify a higher level of new housing provision being made in Dacorum.
- 7.4.16. In my view the assumption contained within the Structure Plan figure takes sufficient account of likely changes to vacancy rates during the Plan period. In the circumstances, I see no need for Policy 17 to make separate provision for this factor. I therefore recommend no modification to the Policy in response to this element of objection 5070.

**(d) Housing levels and coalescence**

- 7.4.17. The proposed level of housing provision accords with that set out in Policy 9 of the adopted Structure Plan. As I have already stated, I am satisfied that this figure was based on a reasonably reliable assessment of need. I am not persuaded that any of the

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<sup>13</sup> 1,000 of these dwellings were to be in Stevenage District and 2,600 in North Hertfordshire.

changes in circumstances that have occurred since the SPR was adopted constitute sufficient reasons, either individually or cumulatively, for the figure to be reduced, for the reasons I have already given in section 7.2 of my report. Consequently, I find no reason to believe that the level of housing proposed in the DBLP is unjustified.

- 7.4.18. I appreciate the objector’s concerns about the implications for Potten End. However, even if the proposed housing sites at West Hemel Hempstead were developed, I do not believe that this would either lead to a coalescence of Hemel Hempstead with Potten End or result in an unacceptable enclosure of Potten End by housing. The settlement will continue to be surrounded by a significant band of open Green Belt. In my opinion this would continue to be sufficiently wide to maintain the setting and separate identity of Potten End. I am satisfied, therefore, that the proposed housing provision would not conflict with the aims of Policy 5 of the SPR, insofar as this states that coalescence with Redbourn, Potten End and other nearby settlements is to be avoided. In the circumstances, I find no reason to recommend the Plan be modified in answer to objection 2991.

**(e) *Would the proposed total lead to an oversupply of housing land***

- 7.4.19. Kings Langley and District ‘ Association point out that the total figure for housing (7,540) in the Deposit Draft version of Policy 17 exceeds the figure set out in Policy 9 of the SPR. If all this housing land was to be brought forward during the Plan period I accept that it would obviously lead to a greater supply of housing land than that specified in the Structure Plan. However, the difference between the figure in Policy 9 of the SPR and the total figure in Policy 17 of the Deposit Draft is only 340 units. It is clear from the table in Policy 17 that this difference arises from the inclusion of the Phase III housing sites, which would provide exactly 340 dwellings.
- 7.4.20. The housing schedule states that the Phase III sites are reserved for implementation after the Plan period. Policy 18 makes clear that such sites will only be brought forward for development during the Plan period in exceptional circumstances. The primary reason would be if the sites were needed to ensure a 5-year supply of housing land. This would presumably only occur where either an identified site fails to come forward or the number of dwellings from unidentified sites fell significantly below expected levels. In such circumstances, it is unlikely that the development of Phase III sites would actually lead to an oversupply of housing land.
- 7.4.21. I appreciate that Policy 18 also allows for Phase III sites to come forward where they would be used for affordable housing under Policy 21 or where there would be overriding planning advantages. If any of the sites came forward in these circumstances I accept that there is a greater chance that the housing target would be exceeded. However, I doubt that all of these sites would come forward in these circumstances, especially if the wording of this part of Policy 18 were made more rigorous. I am not persuaded, therefore, that the inclusion of Phase III sites in Policy 17 would lead to a significant oversupply of housing during the Plan period.
- 7.4.22. Having said this, I am not convinced that it is appropriate to include a specific figure for the housing reserve within Policy 17. My view is strengthened by the fact that there is no certainty that this land will in fact be needed to meet the housing need during the Plan period, or for that matter beyond it. I accept that there may be sufficient justification for the Plan to make provision for a small amount of

safeguarded land for housing, in order to provide some flexibility. However, in the light of the significant changes in national strategy on new housing provision, particularly in respect of the development of greenfield sites, I do not consider it appropriate to include possible greenfield housing sites, which may in fact never come forward, within the current housing supply figures. I, therefore, recommend that clause 4 of the table in Policy 17, which deals with the Housing Land Reserve, should be deleted. It may be necessary to make consequent changes to the background text.

7.4.23. I am also concerned about the changes to the housing figures proposed under PIC22. While the housing reserve figure would be reduced to 160, the total provision would be increased to 7,549. This means that even if one discounts the housing reserve figure the proposed level of provision would exceed the Structure Plan requirement by some 189 dwellings. While this is a modest excess, it could potentially involve development of around 6.3 ha of additional greenfield land<sup>14</sup>. In my view, a policy, which sought to encourage the development of greenfield land for which there is no proven demand, would strongly conflict with the aims of paragraph 30 of PPG 3. This clearly states that local planning authorities should only seek to identify sufficient land to meet the housing requirement set as a result of the RPG and strategic planning processes. Consequently, I recommend the revised figures contained in PIC22 should not be adopted and that the total housing figure in Policy 17 should not exceed the 20-year Structure Plan requirement of 7,200 dwellings.

**(f) Justification for a higher figure**

7.4.24. I have already addressed this argument when dealing with objection 4808 to Policy 15 (See paragraphs 7.2.10 to 7.2.17). For the reasons I have given previously I am not satisfied that there is sufficient justification for increasing the level of provision proposed in Policy 9 of the SPR at the present time. Accordingly, I recommend that no modification be made to Policy 17 in response to this element of objection 4809.

**(g) Conformity of pre-inquiry changes**

7.4.25. The objector points out that Policy 8 of the adopted SPR states that land with a capacity for 1,000 dwellings will be excluded from the Green Belt at Hemel Hempstead. The objector calculates that the number of units proposed in the Deposit Draft on peripheral Green Belt sites around Hemel Hempstead added to those proposed at North East Hemel Hempstead, which Policy 8 also includes, would come to 1,090 dwellings<sup>15</sup>. In contrast the number of units proposed under the pre-inquiry changes would total only 730 dwellings<sup>16</sup>. Consequently, the objector argues that the pre-inquiry changes would not be in conformity with Policy 8 of the Structure Plan.

7.4.26. Based on the evidence I heard regarding the approach the Council took in calculating the net capacity of sites in the Housing Schedule, it seems probable to me that the

<sup>14</sup> Assuming a gross density of 30 dwellings per hectare.

<sup>15</sup> West Hemel Hempstead Phases I, II & III = 550 dws	<sup>16</sup> West Hemel Hempstead Phases I & II = 450 dws
Manor Estate (TWA6 & TWA7) = 260 dws	Westwick Farm (H50) = 50 dws
Westwick Farm (H50) = 50 dws	North-east Hemel Hempstead = <u>230 dws</u>
North East Hemel Hempstead = <u>230 dws</u>	<b>Total</b> = 730 dws
<b>Total</b> = 1090 dws	

remaining Green Belt sites would actually provide a larger number of dwellings than shown in the Housing Schedule. In my view, therefore, the difference between the SPR figure and revised Housing Schedule of the DBLP is likely to be less than that estimated by the objector. However, I accept there would be some shortfall.

- 7.4.27. While I have some sympathy with the objector’s concerns, I note that HCC has raised no counter-objections to the proposed changes on the basis of non-conformity with the SPR. In the circumstances, I am not satisfied that the difference between the figure in Policy 8 and the revised Housing Schedule in the DBLP would, in itself, warrant rejecting the relevant pre-inquiry changes to Policy 17.
- 7.4.28. At the time the SPR was adopted the latest version of PPG3, which places considerable stress on the need to give priority to the use of previously developed land, had not been published. Consequently, while I have found the Structure Plan strategy to be generally in accordance with PPG3, I acknowledge that the exact wording of current national policy would not have been taken into account in its development. In the light of this, I believe it would be reasonable for DBC to depart from the figure in Policy 8 of the SPR if they are able to demonstrate that there are alternative sites that would be more sustainable than the Green Belt sites they propose to delete.
- 7.4.29. While I find the proposed Gas Works site (TW8) would meet this objective, for the reasons set out in Chapter 17 of my report, I am not satisfied the Council has adequately demonstrated that some of the other proposed new sites would do so. In reaching this conclusion, I have been particularly guided by the Council’s own sustainability assessment of housing sites (CD53). This gave a substantially lower score to the alternative site at Breakspear Way (H15A) than to any of the Green Belt sites they now propose to delete. In my view, none of the evidence that was presented at the Inquiry or in writing satisfactorily explains why the Council now considers that this site would be more sustainable than those it originally proposed. I appreciate that the Council considers that the site complies with the criteria in paragraph 31 of PPG 3 but this is equally true of the sites that they propose to delete. (*See CD57B*)
- 7.4.30. I acknowledge that the site at Breakspear Way falls within the urban boundary as defined in the adopted Local Plan. However, it is clearly a greenfield site. In terms of the guidance in PPG3, therefore, it does not automatically warrant being given a higher priority for development than the peripheral housing sites the Council now proposes to omit. My view is strengthened in this case by the advice in paragraph 68 of PPG3. This makes clear that while the Government is strongly in favour of maintaining the Green Belt, an extension of an urban area into the Green Belt may be more preferable to new development taking place on a greenfield site in a less sustainable location. I am not satisfied, therefore, that the mere fact that the inclusion of the site at Breakspear Way would reduce the amount of Green Belt land that would be developed during the Plan period is, in itself, sufficient justification for the proposed changes.
- 7.4.31. In considering this issue I have taken into account the arguments put by the owners of the land at Breakspear Way regarding its sustainability credentials. However, for the reasons I set out in section 7.53 of my report, I am not satisfied that this site would be more sustainable than those the Council proposes to omit. This reinforces my view that it would be inappropriate for the Council to adopt their revised figures.

- 7.4.32. Having said this I do not consider that this automatically justifies retaining the West Hemel Hempstead Phase III site (H54) as the objector appears to believe. While the Council’s sustainability assessment apparently accorded one of the highest scores to the West Hemel Hempstead location, I have serious doubts about their assessment of this site for the reasons I give in section 7.33 of my report. In any case, I am satisfied that even with the Phase III site omitted it would still be possible for the Structure Plan housing requirement to be adequately met. In conclusion, I recommend that the changes to the figures in Policy 17 proposed under PIC22 should not be adopted.

#### The Housing strategy in general

##### **(h) *Is strategy over simplistic***

- 7.4.33. This objector asserts that it is an over-simplistic approach to estimate future growth in housing need in aggregate, by applying the current average number of adults per household for the younger segment of the population to the population as a whole. The approach fails to recognise that the impact of the proportionate increase in single person households on housing demand is different as household fragmentation spreads up the age range. Similarly he argues that the rise in the divorce rate does not imply a proportionate rise in housing demand due to household fragmentation.
- 7.4.34. I accept that the increase in one person households may have a differing impact on housing demand depending not only on age of the householder but on other factors as well. In addition, I acknowledge that the rise in the divorce rate will not in itself automatically lead to an increase in housing demand since many divorced individuals will subsequently enter into new relationships. However, there is clear evidence of a continuing increase in housing need in Hertfordshire, due at least in part to the rise in one person households.
- 7.4.35. While the basis on which the Structure Plan requirement was arrived at may have been less sophisticated than the objector would like, there is no evidence that relevant factors were overlooked or ignored. I am not satisfied therefore that the approach to the assessment of housing need was so simplistic as to seriously undermine the validity of the projected housing requirement. In the circumstances, I do not believe there is adequate justification for amending the figures in Policy 17. Accordingly, I recommend that no modification be made to the Plan in response to objection 4137.

##### **(i) *Conformity with PPG3 and the overall level of provision***

- 7.4.36. Some objectors argue that the amount of housing proposed on greenfield sites is excessive and does not comply with the objectives of PPG3. In their view, the amount of greenfield land used for housing should therefore be reduced. Other objectors contend that the proposed housing strategy does not give sufficient certainty, as it relies on a disproportionate amount of windfall sites coming forward in the urban area. In their view, more greenfield land needs to be allocated for housing to ensure that the Structure Plan requirement can be met.
- 7.4.37. In order to conform with the advice in PPG3 the housing strategy of the DBLP needs to ensure firstly that the allocated sites have been identified in accordance with the search sequence set out in paragraph 30 and secondly that they meet the criteria in paragraph 31. The Council should also have carried out an urban capacity study.

- 7.4.38. Although the PPG was published after the DBLP was placed on Deposit, the Council contends that subject to their proposed pre-inquiry and further changes, the Plan would generally comply with these requirements (*See CD57B*). They suggest however that the desirability of reflecting the approach of the new PPG3 needs to be balanced against the need to adopt the Plan without undue delay.
- 7.4.39. In my view the Plan does generally conform to the advice in PPG3 as it seeks to give greatest priority to the development of previously used land within urban areas, followed by urban extensions. Moreover all the sites identified in the Deposit Draft, apart from H3 for which there were special circumstances, would according to the Council meet the criteria in paragraph 31. Having considered all these sites in detail I find no reason to question this contention. However, I am not entirely satisfied that all the alternative sites that have been put forward in the pre-inquiry changes would meet these criteria, despite the Council’s assertion to the contrary.
- 7.4.40. While I can understand the desire of many objectors to minimise the loss of greenfield land in and around Hemel Hempstead, Berkhamsted and Tring there is little evidence that the Council has overlooked the availability of any significant area of previously developed land in identifying suitable housing sites. I appreciate that objectors have identified a small number of alternative sites. However, the DBLP already makes provision for housing on some of these as part of a mixed use development (e.g. The Plough site). In other cases there appear to be good reasons why the sites are either unsuitable or unlikely to come forward during the Plan period. I am not persuaded, therefore, that a reassessment of the housing strategy in the light of PPG3 would enable a substantial reduction to be made in the amount of greenfield land that would be required for housing during the Plan period.
- 7.4.41. In reaching this conclusion, I have taken account of the fact that the Council has not, as yet, completed a full urban capacity study in accordance with PPG3, although one is currently underway. However, the Deposit version of the Plan already provides for over 47%<sup>17</sup> of new housing to come forward from unidentified sites within the urban area. This is a very substantial figure. When this is added to the identified sites, which have been previously developed, the percentage would rise to more than 60%. This would clearly comply with the target in paragraph 23 of PPG3.
- 7.4.42. I am extremely doubtful that the urban capacity study will reveal that the Council has overlooked a substantial amount of previously developed land that could be built on during the Plan period. Based on what I saw of the area and the extensive evidence presented to the Inquiry the amount of available brownfield land which has not already been identified for housing in the Plan appears to be very limited. In the circumstances, I am not satisfied that I would be justified in recommending modifications to the proportion of housing on greenfield land in the light of the advice in PPG3.
- 7.4.43. If, however, the urban capacity study should indicate that the Council has seriously underestimated the amount of housing that could be accommodated on previously developed sites within the Plan period, then I consider the Council will need to modify

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<sup>17</sup> This would drop to just under 46% if the pre-inquiry changes were adopted.

the housing strategy accordingly. In my view to proceed with the adoption of the Plan in such circumstances, would be directly contrary to the advice in PPG 3 and PPG 12.

- 7.4.44. Turning to the arguments of those objectors who contend that more greenfield land should be allocated, PPG 3 makes clear that it is important the Plan does not seek to identify more land than would be needed to meet the Structure Plan requirement. The whole aim of the ‘plan, monitor and manage’ approach, now advocated by the Government, is to provide a more flexible response to housing needs through more regular reviews of the Plan. This contrasts with the previous ‘predict and provide’ approach, which sought to ensure that a more than adequate supply of housing sites was provided from the start of the Plan period.
- 7.4.45. I accept that the Council’s assumptions regarding the supply of unidentified housing sites has in some instances been rather over-generous. However, I am not satisfied that this would necessitate substantially increasing the amount of greenfield land identified for development. In the light of the Council’s extremely conservative density estimates, I consider that the reduction in the number of dwellings which are predicted to come forward on unidentified sites would be at least partly offset by the number of additional units that could be accommodated on the identified housing sites. In the circumstances, I find no reason to conclude, at this stage, that the Plan should be modified in the light of these objections.

**(j) 5 year supply**

- 7.4.46. Paragraph 34 of PPG 3 states clearly that the Plan’s Proposals Map should accommodate at least the first five years of housing development. It is apparent, therefore, that while there is no longer an overriding obligation to demonstrate that a five year supply of housing land exists, the Government still expects local authorities to ensure that adequate land is available for at least the first five years of housing proposed in the Plan. It is clear from the subsequent practice note<sup>18</sup> that the purpose of the requirement is to safeguard against unrealistic windfall allowances.
- 7.4.47. Some objectors apparently consider that the Plan fails to provide the required 5-year supply of land. This appears primarily to be based on the conclusions of the ‘Joint Housing Land Availability Study for Hertfordshire: April 1998 – March 2003, which is referred to in paragraph 5.2.1 of CD57. This study found that the housing land supply for Dacorum was only 2.3 years. However, in my opinion, it is not appropriate to rely on this document in judging whether the Plan provides sufficient land for the first five years. Firstly the study relates to the period 1998 to 2003 and is therefore now of limited relevance. More importantly, the figure only included sites that either had planning permission or were allocated in an adopted plan as at April 1998.
- 7.4.48. The revised assessment, which is contained in Appendix 2 of the study, was undertaken to address some of the concerns expressed by the Districts, showed in contrast a supply of 4.5 years. Even this assessment, however, appears to have included only some of the sites included within Phase I of the DBLP. I am not satisfied, therefore, that the findings of this study are particularly useful in assessing whether or not the Plan provides sufficient sites for the first five years of the Plan.

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<sup>18</sup> ‘Planning to Deliver – The managed release of housing sites: towards better practice. DTLR July 2001

- 7.4.49. The table in the Deposit Draft version of Policy 17 identifies a further 4,892 dwellings were required to meet the demand during the remaining 14 year period of the SPR. This equates to an annual rate of provision of around 350 dwellings. To comply with the requirements of paragraph 34 of PPG3 therefore it would be necessary for the Proposals Map to show sufficient sites to accommodate 1750 dwellings. However, it is clear from Table 1 that Phase I of the Plan actually provides for 2,223 dwellings. This exceeds the actual requirement by some 473 dwellings<sup>19</sup>.
- 7.4.50. I appreciate that the Housing Schedule of the DBLP allows Phase I sites to come forward throughout the Plan period. It is also clear that some of the larger sites will require a significant amount of initial investment in infrastructure before housing can come forward on these sites. It seems likely therefore that not all the housing identified on sites within Phase I will be completed during the first five years. Nevertheless, I am satisfied that Phase I contains sufficient unconstrained land to provide the required 5-year supply. My view is strengthened by the large discrepancy in dwellings that exists between the actual 5-year requirement and what is provided for by the sites identified in Phase I. This conclusion applies equally to the situation proposed under the pre-inquiry changes, especially as the discrepancy in that case would be even larger.
- 7.4.51. In conclusion, therefore, I am satisfied that the DBLP does indicate sufficient land on the Proposals Map to accommodate at least the first five years of housing development proposed in the Plan as required by PPG3. My view is strengthened by the fact that the Proposals Map also shows Phase II sites, that would provide for an additional 350 dwellings. Policy 18 makes clear that these sites could be developed from 2006 onwards. It seems probable, therefore, that these would also make some contribution to the 5-year supply. Consequently, I find no reason for the Plan to be modified to address this aspect of objections 498, 3811 and 3832.

**(k) Phasing**

- 7.4.52. I have no doubt in the light of the advice in PPG3 and the subsequent practice note<sup>18</sup> that it is entirely appropriate for the housing allocation to be phased. In my view it is not essential for this matter to be referred to in Policy 17 as it is adequately addressed in Policy 18. However, I consider that the paragraph at the end of the table in Policy 17 which refers to the control of Phase II and III sites serves a useful purpose in drawing attention to the requirements of Policy 18. I see no need therefore for it to be omitted. However, for the reasons I have already given in paragraph xx, I do not consider it appropriate for Policy 17 to make reference to Phase III sites. Subject to this, I recommend that no other modification be made to Policy 17 in response to this element of objections 590, 1046 and 1544.

<sup>19</sup> The pre-inquiry change to Table 1 shows that there would be 2,412 dwellings in Phase I, if the proposed changes were adopted. This would exceed the five-year figure by approximately 636 dwellings. However, the revised figures in CD57, which relate to the period up to 31 March 1999, show a remaining requirement of 4,263 which would equate to an annual rate of 355.25 dwellings or 1776.25 dwellings for the first five years. Tables 12 and 13 of CD57 show 1906 and 2095 dwellings on Part I sites excluding and including the pre-inquiry changes respectively. The excess would therefore be in the region of 130-319 dwellings.

**(l) Housing density**

- 7.4.53. The objector is concerned that the housing strategy proposes greenfield housing densities of less than 9 dwellings per acre (22.23 dwellings per hectare), judging from the expected capacities for the 7 Green Belt sites included in Parts I and II of the Housing Schedule. This assessment, however, is based on the gross site area. PPG3 makes clear that housing densities should be measured using the net developable area. This means excluding open space areas, main roads and other similar features from the site area when calculating site density. If these areas are deducted site densities will obviously rise. It would appear from CD57B that in most cases the density of development on the proposed housing sites would fall within the levels referred to in PPG3. Generally I find no reason to disagree with this assessment.
- 7.4.54. However, the Council accepted at the Inquiry that it had generally taken a conservative approach to the estimates of site capacity. The capacity figures in the Housing Schedule are not intended to be indicative of the maximum site capacity but are instead intended to illustrate the Council’s minimum expectation for the individual sites. The Council concedes, therefore, that some of the sites might well prove capable of accommodating more housing when detailed plans were drawn up.
- 7.4.55. The fact that the Council has taken an exceedingly cautious approach to estimating site capacity is, in my view, clearly demonstrated by the John Dickinson site (TWA3). The Housing Schedule shows this site as having a potential capacity of 260<sup>20</sup>. However, the Council admitted at the Inquiry that detailed planning permission had actually been granted on this site for some 430 dwellings. This is a substantial increase on the Council’s original estimate. While I accept that this level of increase cannot be expected on all the identified sites, based on the evidence I heard at the Inquiry, it seems to me that many of the sites do have the potential to accommodate substantially more housing than is shown in the Plan.
- 7.4.56. I note the reasons why the Council say they have taken a cautious approach to assessing potential site capacities but I consider that in the light of the advice in PPG3 it is important that the projected site capacities are as accurate as possible. I appreciate that many of the net densities for the identified sites would fall within the range of 30 to 50 dwellings per hectare recommended in paragraph 58 of PPG3. However, it appears a few would not. The Council suggests that in these cases a lower density is appropriate to soften the urban edge. I am not satisfied that the densities on such sites need to be as low as the Council suggest in order to achieve this objective.
- 7.4.57. More importantly, I do not consider it is sufficient merely to seek to meet the lower end of the density range in PPG3 in order to comply with the objective of making more efficient use of land. In my opinion, the Council should be encouraging development at the maximum density that can be achieved without damaging the character of the surrounding area or causing a loss of amenity to neighbouring occupiers. In many urban locations I consider that this is likely to be at the upper end of the range in PPG3 or higher. Even on the edge of the urban area I believe that the Council ought to be aiming for densities at the lower end of the range.

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<sup>20</sup> PIC54 would increase this to 300 dwellings.

7.4.58. In the circumstances, I consider that the figures for identified sites in Policy 17 are predicated on unduly low estimates of housing density. I would recommend therefore that the capacities of the individual sites are re-assessed and the figures in Policy 17 are modified accordingly in response to objection 5153. In doing so the Council will need to take into account the recommendations I make later in this chapter in response to specific objections to the capacities of individual sites in the Housing Schedule.

**(m) Housing in the AONB**

7.4.59. Chiltern District Council argues that it would be contrary to national, regional and strategic policy for major housing developments to take place within the Chilterns AONB. They, therefore object to the inclusion of housing proposals H44, H45 and H49 as identified sites in Policy 17<sup>21</sup>. In their view the DBLP fails to provide any exceptionally strong justification for their inclusion.

7.4.60. PPG7 states clearly that primary objective of AONBs is the conservation of the natural beauty of the landscape and that this objective should be reflected in both structure and local plans. Since the publication of the revised version of PPG7 in February 1997, the Government has made further changes to it. In particular in a parliamentary answer in the House of Commons on 13 June 2000 it was announced that the text of paragraph 4.8 had been amended so as to require the assessment set out in paragraph 4.5 to be applied to all proposals for major development in AONBs. It is clear therefore that such developments must be subject to rigorous examination and be demonstrated to be in the public interest.

7.4.61. PPG7 gives no specific definition of what constitutes a major development proposal in housing terms. I appreciate that Article 8 of the GDPO 1995 defines “major development” as development involving 10 or more dwellinghouses. However, this relates solely to publicity for applications for planning permission and there is no indication that it has any relevance beyond this. Paragraph 4.5 of PPG7 states that special considerations apply to major development proposals, “which are more national than local in character”. In my view, therefore, a “major development” in PPG 7 terms equates with something far more substantial than a development of 10 dwellings which is likely in the majority of cases to be entirely local in character.

7.4.62. Although the objector contends that the Countryside Commission’s<sup>22</sup> 1991 policy statement on AONBs defines major housing development as any proposal involving more than 10 dwellings, in fact the statement does not contain any definition for major development. The statement does, however, indicate that small scale housing developments which are provided for in approved development plans are normally acceptable, subject to them being located within, or immediately adjacent to, existing settlements and not detracting from the landscape.

7.4.63. I appreciate that as H44 and H45 have a projected capacity of 20 dwellings each they would be significantly above the threshold referred to by the objector. Nevertheless, I consider that a development of this scale in this location would still be more local than

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<sup>21</sup> As site H49 (Expotechnik Centre and nos. 8-10 Hudnall Lane, Little Gaddesden) was completed by 31/3/98, I have addressed my attention primarily to sites H44 and H45 at Markyate in reaching my conclusions on this objection.

<sup>22</sup> Now the Countryside Agency

national in character. I am not satisfied, therefore, that these proposals would constitute a major development in PPG7 terms, either individually or cumulatively.

- 7.4.64. Turning to regional and strategic policies, I note that Policy E1 of RPG9 states that priority should be given to protecting areas designated at national level for their landscape quality. However, there is no indication that the intention was to prevent all housing development within AONBs. Policy 42 of the SPR makes clear that major development proposals affecting the Chilterns will be regarded as inconsistent with the aims of the designation of the AONB. Again no definition is given as to what would constitute a major development proposal under this policy. Although HCC has raised objections to the designation of both H44 and H45<sup>23</sup>, neither objection states that the schemes are considered to constitute major development proposals within the terms of Policy 42. Since the Policy requires such proposals to prove that they are in the national interest, it seems unlikely that it was intended that developments of as few as 20 dwellings should fall within the category of a major development proposal.
- 7.4.65. On balance, therefore, I am not satisfied that the development of H44 and H45 would constitute a major development proposal under the terms of national, regional or strategic policy. As such I do not consider that it is inappropriate for sites of the scale proposed in the DBLP to be allocated within an AONB as a matter of principle.
- 7.4.66. However, I accept that such developments would conflict with the objectives of national, regional and strategic policy, as well as with the stated policy aims of the Countryside Agency, if they were shown to have an adverse affect on the landscape quality of the AONB. In my view the development of H44 and H45 would have a detrimental impact on the AONB owing to their prominent location. I am not satisfied that the proposed landscaping would be sufficient to mitigate this impact. In the circumstances, I have recommended that both sites should be deleted from the Plan, for the reasons I set out more fully in sections 7.38 and 7.39 of my report.
- 7.4.67. Nevertheless, I have recommended that an alternative site at Manor Farm, Markyate, which is also in the AONB, should be included in the Plan instead, in view of the need for some additional housing in Markyate. In my view, this site would have a much more limited impact on the character of the AONB. If this recommendation were accepted there would be no need to amend the figures in Policy 17 in the light of the deletion of sites H44 and H45. I, therefore, recommend that no modification should be made to the Plan in the light of objection 1888.

### Housing completions

#### **(n) Accuracy of the figures**

- 7.4.68. One objector questions the accuracy of the figure for completions. Although certain recent developments are not shown on the Proposals Maps this does not necessarily mean that they were not included in the completions figure. The figure in the Deposit Draft relates to the period up to 31 March 1997. The Ordnance Survey base used for the Proposals Map appears to pre-date this. There is no evidence that the Council deliberately omitted any dwelling that had been completed by the relevant date from the figure in Policy 17. I appreciate that by the time the Plan was put on deposit

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<sup>23</sup> Objection nos. 4053 and 4054.

further completions would have taken place but this does not invalidate the original figure for completions since it is clearly related to a specific time period.

- 7.4.69. The Council has provided a more up to date picture for completions within the Housing Technical Report (*See CD57*). This shows that by 31 March 1999 2,937 dwellings had been completed during the Plan period, which is an increase of 629 dwellings over the figure within the Deposit Draft. This information gave a clearer picture of the housing situation at the time of the Inquiry. However, some objectors at the RTS expressed concern about the difference between DBC’s figure and that compiled by the County Council for the same period. The latter shows only 2,826 dwellings as having been completed by 31 March 1999. There is therefore a discrepancy of some 111 dwellings.
- 7.4.70. It appears that almost half of the difference arises from DBC’s decision to include 45 additional dwellings for the period 1991 to 1995. It contends these were overlooked due to an undercounting of completions. In the absence of any contrary evidence, I find no reason to question the Council’s assertion on this point. The remaining difference of 66 dwellings for the period 1995 to 1999 is in the Council’s view due to the fact that the figures are the result of two different monitoring exercises.
- 7.4.71. Although the discrepancy is small in overall terms, I find it disconcerting that the figures compiled by the two Councils do not agree as to the number of dwellings that have been completed during the relevant period. In my view such discrepancies are likely to cause confusion for both the developer and the general public. I would therefore urge DBC to liaise more closely with HCC in order to achieve a greater consistency of approach in monitoring housing completions. Despite the discrepancy, however, I can find no evidence to indicate that the County Council’s monitoring method is more reliable than that used by DBC. In the circumstances, I am not satisfied that it can be concluded that DBC’s figures for the number of houses built between 1991 and 1999 are inaccurate.
- 7.4.72. Having said all this, it is clear that the figure for completions contained within the Deposit Draft is significantly out of date. I would recommend, therefore, that Policy 17 be modified to include a more up to date figure for completions. At the very least it should be updated to 1999 in accordance with the figures in the Housing Technical Paper (CD57). However, in view of the length of time that has passed since then it would be better if the completion figure could be updated to cover the period up to 31 March 2001. Since this is the end date for the adopted Plan I consider that it would be the most logical date to use for completions in the replacement Plan.

**(o) Completed sites**

- 7.4.73. A number of objectors have suggested that it is inappropriate for the figure for identified sites to include sites that have already been completed. Although a number of the sites identified in the housing schedule of the Deposit Draft, such as H38, H39 and H40, have now been developed, it is clear from Appendix 9 of CD57 that none had been completed by 31 March 1997. In the circumstances, I do not consider it was misleading for them to have been included in the figure for identified sites within the Deposit Draft.
- 7.4.74. However, circumstances have since moved on. If the figure for completions is updated as I have recommended it should be, it will also be necessary for those sites which

have been completed to be omitted from the identified sites figure in order to avoid double counting. If they are omitted from the identified site figure in Policy 17, I consider that it would be sensible for the completed sites to be deleted from the housing schedule as well. I recommend that the Plan be modified accordingly.

*Note: Although I have recommended that the figure for completions should be updated to 31 March 2001, the statistical evidence on housing completions that was supplied to the Inquiry only goes up to 31 March 1999. Consequently, my recommendations on the rest of the figures in Policy 17, which are set out below, relate to the latter base date. The Council will need to decide whether it would be more practical to use a base date of 31 March 1999 or 31 March 2001 in the adopted Plan. If they choose the latter they will need to take into account my conclusions on the appropriate method for calculating expected windfalls in the various categories as well as the completion rates for the period 1 April 1999 to 31 March 2001.*

### Identified sites

#### **(p) Are there enough identified sites**

- 7.4.75. Whether or not there can be confidence that the proposed strategy will meet the housing target depends, in my opinion, primarily on 2 factors. These are, firstly, the reliability of the Council’s assumptions on the amount of housing that will come forward from unidentified sites and secondly the likelihood of the identified sites being able to provide the predicted levels of housing during the Plan period.
- 7.4.76. I deal with the Council’s assumptions on unidentified sites in paragraphs 7.4.99 to 7.4.150 below. I shall therefore at this stage consider only the likelihood of the identified sites coming forward during the Plan period. In this respect there appear to be two main points of concern raised by objectors. The first is that some of the sites that were identified in the current Local Plan still remain undeveloped, although some 6 years have passed since it was adopted. In the objectors’ view therefore there is serious doubt that these sites are genuinely available or that they will become so before 2011. Some objectors raise similar concerns about a few of the sites that were identified for the first time in the Deposit Draft.
- 7.4.77. The second concern that was raised is that some of the larger sites would require considerable infrastructure investment, particularly that at the Manor Estate (TWA7). It is suggested this would delay such sites coming on stream until late in the current Plan period. Consequently, some objectors argue that it is unlikely that they will be able to supply the number of houses the Plan predicts by 2011. A number of the objectors therefore argue that it would be appropriate for Policy 17 to allow for a non-implementation allowance of around 10% as recommended in the Roger Tym study.
- 7.4.78. Turning first to those sites that were identified in the adopted Plan, I note that 20 sites<sup>24</sup>, with a capacity of some 420 dwellings, have been carried forward from the adopted Plan. However, 4 of these sites<sup>25</sup> with a capacity of 290 dwellings were

<sup>24</sup> H7 (H5 part), H9 (H10), H10 (H3), H12 (H15), H16 (H60), H17 (H21), H20 (H51), H23 (H32), H24 (H34), H28 (H62), H30 (H61), H32 (H63), H33 (H38), H37 (H46), H39 (H44), H40 (H49), H41 (H50), H46 (H54), H47 (H56) & TWA4 (H42). The numbers in brackets are from the adopted Plan.

<sup>25</sup> H16, H28, H30 & H32.

reserved for implementation after the Plan period. Only 16 of the sites with a capacity of 130 dwellings were to be developed during the adopted Plan period. It is clear from Appendix 9 of CD57 that by 31 March 1999 eight of these sites had been completed. This left only 8 sites<sup>26</sup> with a total capacity of 77 dwellings. At that time, however, the adopted Plan still had a further 2 years to run. In my view, therefore, it was not unreasonable for these sites to have remained undeveloped at that time.

- 7.4.79. I appreciate that some of the sites remain undeveloped at the end of the Plan period in April 2001, but in many cases there appear to be good reasons for the delay in these sites coming forward. I do not accept therefore that in all cases their failure to come forward during the previous Plan period means that they will not come forward before 2011. Nevertheless, I do have some doubts about the availability of a few of the sites that have been carried forward.
- 7.4.80. The Council has accepted that the site at Leverstock Green Road (H23) is unlikely to come forward in the current circumstances and they therefore propose to delete it (PIC39). I endorse this change for the reasons I set out in paragraph 7.24.4 of my report. However, there are at least 3 other sites, for which the prospects, in my view, are equally uncertain.
- 7.4.81. The planning permission granted for the development of land to the rear of 29-41 Cemmaes Court Road (H17) expired some time ago and there is no evidence that the current owners intend to pursue development of this site. The fact that the site is in multiple ownership would clearly exacerbate the difficulties in bringing this site forward. At the Inquiry the Council witness accepted that there was little likelihood of the site at Wesley Road/Albert Street (H47) coming forward during the Plan period. Finally I note that the adopted Plan describes the progress of the site adjacent to 64 Highridge Road (TWA4) as “1 house constructed some years ago. No further activity on site since”. A further 6 years has now passed since the Plan was adopted and nothing has happened on this site. Even if the permission remains valid there must be significant doubt after this length of time that this site is likely to come forward.
- 7.4.82. I appreciate that questions were also raised about the availability of the sites at Buncefield Lane/Green Lane (H16), St. Georges Church (H24), south of Redbourn Road (H32) and 55 King Street, Tring (H37) in the Joint Land Availability Study for Hertfordshire published in August 1999. However, the study appears to accept that H16 was likely to become available in 2002/2003 and that despite ownership constraints H37 could also come forward after 2003. I appreciate the owner of H24 was not actively marketing the site at the time of the study. However, as the land is within one ownership I consider there is a reasonable prospect that this situation could change before the end of the Plan period. If it does not it would always be open to the Council to take the action recommended in PPG3 to bring the site forward. Although the development of H32 is partly dependent on land in St. Albans District also becoming available I find no reason to believe that this will not occur. I consider, therefore, that it should be possible for these sites to be completed before 2011.
- 7.4.83. In the circumstances, I conclude that of the sites that were brought forward from the adopted Plan only the 4 that I have identified in paragraphs 7.4.80 and 7.4.81 should be deleted from the housing schedule. This would not prevent them coming forward as

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<sup>26</sup> H12, H17, H23, H24, H37, H46, H47 & TWA4.

windfall sites if circumstances should change. Deleting these 4 sites would only reduce the identified site total by 34 dwellings. In my view the proposed pre-inquiry changes to the housing schedule already more than address this deficiency. Even if these changes are not adopted, I am satisfied that the deficiency could be easily met by the inclusion or extension of other identified sites within the urban area (e.g. TWA8) in combination with increasing densities on other sites. I therefore see no need to increase the overall figure for identified sites in the light of the non-implementation of some sites in the adopted Plan.

- 7.4.84. In respect of those sites that are identified for the first time in the current Plan, I note that some objectors question whether certain sites will come forward during the Plan period. In particular, they cast doubt on the availability of land at Gossoms End/Stag Lane, Berkhamsted (H4), the Cattle Market site, Brook street, Tring (H35) and the Gas Holder site, Brook Street, Tring (H36). I appreciate that the owners of the 2 former sites object to the land being developed entirely for housing and that there are contamination constraints in respect of the latter site. However I consider that there is a reasonable prospect of H4 and H36 could be developed within the Plan period despite these constraints, particularly in the light of the encouragement PPG3 gives for the use of compulsory purchase orders to bring forward such sites for housing. I am not satisfied therefore that there is sufficient uncertainty in respect of any of these sites to justify their deletion on this ground alone. I consider that the prospects of H35 coming forward are far less certain for the reasons I set out more fully in section 7.34 of my report. Consequently, I believe that this site should be deleted.
- 7.4.85. Turning to the constraints on the larger identified sites, I accept that in some cases there may be delays in sites coming forward in the light of the time scale required to put in place the necessary infrastructure. However, based on the evidence I heard at the Inquiry I am satisfied that there is a reasonable prospect that the projected housing could be provided on all these sites, including the Manor Estate (TWA7), within the Plan period. I am not persuaded, therefore, that there is any justification for increasing the number of identified sites on the basis that the larger identified sites would not bring forward the number of dwellings predicted during the Plan period.
- 7.4.86. I note that the Hives Planning Partnership, on behalf of Mr P Witt & Ms S Wareham, has queried the Council’s inclusion of a site at Berkhamsted Prep School, Chesham Road within their recalculated figure for identified sites in Part I (*See Appendix 12 to CD57*). However, although the site is not included as a commitment in Table A of the residential land position statement for April 1999 (CD83), which deals with large sites, it is included in Table I, which lists sites which are awaiting the signing of a section 106 agreement. There is no evidence that there are any difficulties over the signing of such an agreement in this case. Consequently, I find no reason to conclude that the site will not be developed during the Plan period. In the circumstances, I consider that it is appropriate for the Council to include it in their list of identified sites.
- 7.4.87. I deal with the question of whether it would be appropriate to include a non-implementation allowance under issue (r) below. I have considered the suggestion put forward by some objectors that in the absence of a full urban capacity study it should be assumed that the amount of brownfield land available for development has been underestimated. However, I am not satisfied that this is a logical assumption.

- 7.4.88. The housing strategy already makes provision for almost 48% of housing to come forward from unidentified sites within the urban area. This is a very high proportion. When these sites are added to the identified sites that are located on brownfield land, it appears that around 63% of the housing would be built on previously developed land. This is more than the Government’s current target. Judging by what I saw of the area I consider the prospects of the urban capacity study revealing substantially more brownfield land are fairly limited. I find no grounds, therefore, in the present circumstances to justify reducing the amount of housing that is proposed on identified sites or to reduce the number of greenfield sites. Indeed, in the light of my conclusions on the number of unidentified sites I consider that some increase may be necessary.
- 7.4.89. I recommend, therefore, that housing proposal sites H17, H23, H47 and TWA4 be deleted and that the numbers of dwellings on other sites be increased accordingly. I find no reason for any other modifications to be made in response to these objections.

**(q) *Hard and soft commitments***

- 7.4.90. Objection 1944 suggests that the identified sites should be broken down into hard and soft commitments. While I appreciate that some other authorities have taken this approach I can see little genuine advantage in modifying the DBLP in this way at this stage, bearing in mind that the situation is likely to be constantly changing. It is the overall figure that is most important in my view. I, therefore, recommend that no modification be made to the Plan in response to this part of objection 1944.

Non-implementation allowance

**(r) *Whether the figures should be increased to take account of the possibility of sites not coming forward***

- 7.4.91. Many of the objectors who appeared at the RTS consider that the identified site figure should be discounted by at least 10% in line with the findings of the Roger Tym study. Based on past evidence they consider it is unlikely that all the identified sites would be implemented within the Plan period. In response, the Council point out that the number of houses built during the 2 previous plan periods has exceeded the Structure Plan requirement by 13.6% and 10.5%<sup>27</sup> respectively, despite the fact that some identified sites did not come forward. They also draw attention to the conclusions of the Inspector who considered the objections to the adopted Plan. He concluded that there was no need to make provision for a non-implementation allowance at that time.
- 7.4.92. It is clear that as many as sixteen sites identified in the adopted Plan had not been completed by the 31 March 1999<sup>28</sup>. At that stage the number of houses developed on identified sites fell short of the target in Policy 15 of the adopted Plan by some 222 units. This amounts to some 10.5% of the total. Superficially this appears to endorse the objectors’ view that a 10% discount for non-implementation is warranted. However, I am not satisfied that this is in fact the case.

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<sup>27</sup> This figure represents the period up until 31/3/99 only. The final percentage may therefore be greater once the figures have been calculated for the full plan period.

<sup>28</sup> This includes a number of sites which have not been carried forward into the Deposit Draft. (See Appendix 6 to LPA Doc.No.247 for a full list of the sites)

- 7.4.93. In the first place the adopted Plan still had 2 years to run at that stage. It is possible therefore that the percentage of non-implemented permissions for the full Plan period will actually be lower than this. In the second place, the non-implementation of the largest site at Stratford Way, which had a predicted capacity of 72 units, appears to be due to a change in the Council’s policy towards the site following the publication of the Two Waters and Apsley Study (CD44) in December 1996. This recommended that the site be retained for railway sidings or used for open storage or parking rather than housing. If this site is excluded the percentage of the total would fall to just over 7%.
- 7.4.94. More importantly, the evidence indicates that since 1976 the number of dwellings built has consistently exceeded the Structure Plan targets by more than 10%, despite the fact that some identified sites have not been implemented. Although total annual completions appear to have fallen slightly since March 1996 the reduction is relatively modest. In any case, it is not possible, in my opinion, to discern a clear trend from the available figures. The figures for 1997/98 are substantially above those for 1996/97 and 1998/1999. I am not satisfied therefore that one can conclude at this stage that the lower level of completions would continue throughout the Plan period. In an area of relatively high demand I consider that this is unlikely.
- 7.4.95. I appreciate that some other authorities in the South-East, including Runnymede and Mole Valley, have made provision in their housing strategies for a non-implementation allowance. However, while such an allowance may well have been justified on the basis of the particular circumstances pertaining in those Districts, this does not mean that it will be justified in all Districts in the South-East. In the light of the previous experience in Dacorum where the housing requirement has been consistently exceeded by more than 10%, I am not satisfied that it would be appropriate to make provision for such an allowance in the DBLP.
- 7.4.96. My view is reinforced by the radical change in national housing policy that was introduced with the publication of the revised PPG3 in January 2000. Paragraph 30 of PPG3 clearly states that local plans and UDPs should only make sufficient provision to meet the housing provisions set as a result of the RPG and the strategic planning process. In my view therefore it would only be appropriate to include provision for a non-implementation allowance if there was clear evidence that this target would not be achieved. I am not satisfied that this has been demonstrated to be the case in Dacorum.
- 7.4.97. The requirement for local plans to be reviewed every five years should substantially reduce the need to make provision for non-implementation allowances since it will enable housing strategies to be much more responsive in the future. In particular it should allow additional sites to be brought forward much more quickly than has occurred in the past if completions are found to be falling significantly below the predicted level. On balance, therefore, I see no need to amend the figure for identified sites to make provision for a non-implementation allowance.

#### Unidentified/windfall sites

##### **(s) *Categories of windfall sites***

- 7.4.98. While I note the suggestion that the clarity of Policy 17 would be improved if a simpler assessment of unidentified (windfall) sites was included, I do not consider the

breakdown of the figure for unidentified sites to be inappropriate or unduly confusing. In my view the inclusion of the 5 different categories of unidentified sites will assist the Council in more accurately monitoring the level of windfall sites and the rate with which they come forward. It would also enable the Council to assert greater control over the distribution of housing on such sites. This would help to ensure that it meets the objectives of national, regional and strategic policy on sustainability. In the circumstances, I recommend that no modification should be made to Policy 17 in the light these objections.

**(t) *The number of windfall sites and the methodology for predicting them***

- 7.4.99. The Council’s method for assessing the level of housing expected from unidentified sites has been to start by breaking down the unidentified sites into categories. It has then looked at all past completions for housing in these categories to identify an average annual rate. Known commitments have then been deducted from this to avoid double counting. The Council has not sought to look at completion rates for unidentified sites in isolation, or to extrapolate future completions from such sites solely from past completion rates on unidentified sites. The apparent increase in the rate of completions on unidentified sites is in the Council’s view simply a consequence of the lower level of identified sites in the respective categories compared to the levels in previous plans.
- 7.4.100. The objectors argue that the increase in the level of unidentified sites is excessive. It is higher than that for other districts in the county, including those with New Towns. They contend, therefore, that the method used by the Council to estimate the supply from unidentified sites is fundamentally wrong. They point out that the actual completion rates for unidentified sites are substantially less than the overall rates used by the Council in their calculations. In the objectors’ view, therefore, it is not appropriate to use the Council’s method to determine the amount of housing likely to come forward from windfall sites. To do so would overestimate past trends and consequently distort future potential yields. Some objectors are also concerned that this level of windfall development could lead to “town cramming” with a consequent loss of character and residential amenity.
- 7.4.101. In response the Council maintains that looking at total completions in the relevant categories provides a more reliable indication of the future contribution from unidentified sites. Since the number of unidentified sites that come forward each year varies widely the Council considers that it is not sensible to derive assumptions from the rate of unidentified completions in isolation. Moreover it takes the view that within the urban areas, from which most unidentified sites are derived, whether a site is identified or unidentified is of limited relevance to the likelihood of it coming forward. In the circumstances the Council considers looking at total completions to be a more dependable method of assessing the number of unidentified sites that are likely to come forward during the Plan period.
- 7.4.102. In determining whether or not the housing strategy places undue reliance on unidentified sites the first consideration is, in my view, the appropriateness of the Council’s method of assessment. Paragraph 36 of PPG3 states that allowance for windfall sites should be made on the basis of examining past trends in windfalls coming forward for development and on the likely future windfall potential as assessed in a capacity study. Consequently, it is clear that the Government expects local

authorities to commence the assessment of unidentified sites by looking at the past trends in this type of site and then to take on board the findings of a capacity study in establishing future potential.

- 7.4.103. The Council’s method of assessment does not accord with this advice. Firstly it looks at all completions rather than solely at the past trends for windfall sites. Secondly the Council has not, as yet, completed a capacity study. While, I appreciate the reasons why the Council consider it was more appropriate to use overall completion rates, I am not satisfied that such an approach is more dependable. Although the number of dwellings coming forward on unidentified sites may vary from year to year, the fluctuations can be smoothed by calculating the average completion rate over a longer period (i.e. 1991-1999 rather than 1993 –1997) to obtain a more reliable figure.
- 7.4.104. The contention that it makes no difference whether a site is identified or not as to whether it comes forward is, in my view, specious. A site will normally be identified because its suitability for housing has already been investigated. In many cases a developer will already have acquired the site. In the circumstances, it is reasonable to assume that the likelihood of an identified site coming forward during the Plan period will be higher. If the Council were right in asserting there is no difference between identified and unidentified sites in urban areas there would be no logical reason for PPG3 to recommend that the allowance for windfall sites should be made on the basis of examining past trends in such sites.
- 7.4.105. Using overall completion rates as the basis for estimating windfalls, in my opinion, has considerably more potential to over-inflate the number of dwellings that are predicted to come forward on unidentified sites, even if existing commitments are deducted. I consider, therefore that the appropriate starting point for determining the appropriate allowance to make for unidentified sites is to examine past trends for such sites rather than looking at overall completion rates as the Council has done.
- 7.4.106. Looking at the period from 1 April 1991 to 31 March 1999, for which the Council has supplied figures for total annual completions broken down into identified and unidentified sites<sup>29</sup>, it appears that some 1558 dwellings have been built on unidentified sites during this period. However, there are a number of difficulties with this figure. The first is the source used for determining what is an identified site. The figures in Appendix 2 of LPA Doc. No. 247 use the Dacorum District Plan 1984 (CD36) for 1991/93, and the adopted Dacorum Borough Local Plan 1995 (CD39) for the remainder of the period. However, Appendix 3 of the same document shows the comparable figures for the period 1997/99 using the Deposit Draft for the source. The very different picture that this produces for this period is clearly shown in Table A of LPA Doc. No. 247 which shows both sets of figures.
- 7.4.107. In my view using adopted Plans for determining whether or not a site should be classified as identified is likely to produce a more consistent picture than seeking to use a combination of adopted and emerging Plans. Indeed, I note the 1998 Joint Land Availability Study for Hertfordshire was drawn up using only sites that were identified in adopted Plans. On balance, I consider that it is more appropriate to use adopted Local Plans as the relevant source for determining whether a site is identified. In the

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<sup>29</sup> See Appendix 2 in LPA Document

circumstances, I conclude that the relevant starting point should be the figure of 1558 dwellings on unidentified sites during the period 1991 to 1999.

- 7.4.108. However, it is clear that this figure includes a number of dwellings that have been built on greenfield land. PPG3 makes clear that no allowance should be made for greenfield windfalls. Consequently, I consider that these dwellings should be deducted from the overall figure in order to obtain a more accurate assessment of the future windfall potential in Dacorum. The resultant figure is 1189 dwellings, which would lead to an annual average completion rate for non-greenfield unidentified sites over the relevant period of 149 dwellings<sup>30</sup>. Since the average completion rate for the period 1993-1999, using only the adopted DBLP 1995, would be virtually identical I am satisfied that this is a reasonably reliable estimate.
- 7.4.109. If unidentified sites were to continue to come forward at the same rate up until 2011 then one could expect some 1788 dwellings to come forward on unidentified sites in the remainder of the Plan period. While the Council expects overall completion rates to continue at approximately the same rate it obviously believes that the rates for unidentified sites will rise as it predicts that 2026 dwellings will come forward from this source taking into account the pre-inquiry changes.
- 7.4.110. Some objectors like the CPRE support this stance. A few like the KLDRA consider that rates could be even higher. However, the HBF and most of the objectors who attended the RTS believe that rates will fall. They therefore recommend that the figure should be discounted. The suggested discounts vary from 50% to 10%. However, the majority, including the HBF, appears to support a figure of 25%. The suggested alternative totals for unidentified sites vary from as low as 872 dwellings to as high as 1560 dwellings<sup>31</sup>.
- 7.4.111. The next question therefore must be whether existing completions are likely to continue at the same rate or whether they will rise or fall. It is difficult to predict this with any degree of certainty on the basis of the available figures, particularly as a full capacity study has yet to be completed. In my view therefore there would need to be strong grounds to justify the Council’s assumption that rates will increase. It has been suggested that the changes in national housing policy set out in PPG3, will bring forward more land in urban areas. However, while this may be the case, it has yet to be demonstrated that this will lead in practice to an increase in the number of windfall sites coming forward. I consider, therefore, that such assumptions need at this stage to be treated with considerable caution, especially in the absence of a full capacity study.
- 7.4.112. On the opposite side of the argument, I appreciate that land within urban areas is a finite resource. However, I am aware that this argument has been advanced on numerous previous occasions and yet windfall sites still continue to come forward. In my view, there is no proof that the likelihood of rates declining is any greater during the present Plan period than it was over past periods. Certainly there is no clear evidence to support any of the various discounts which have been suggested by objectors. In my view they are all equally arbitrary.

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<sup>30</sup> The actual figure is 148.625 which I have rounded up.

<sup>31</sup> See Appendix G for details of the various figures that have been suggested.

- 7.4.113. Past completions over the previous two plans have consistently exceeded the overall Structure Plan target. While the number of total completions went down in 1996/97 the number of unidentified completions in that year was actually higher than any of the three preceding years. The number of completions on unidentified sites fell in 1998/99. However, the total was still considerably higher than it was in the early part of the relevant 8-year period. I am not satisfied, therefore, that a clear downward trend can be discerned from the available figures.
- 7.4.114. In the circumstances, I believe the most sensible course of action at this stage would be to assume that completion rates for unidentified sites would continue at approximately the same level as in the past. However, where there is clear evidence in respect of any of the separate categories of unidentified sites specified in Policy 17 that rates may increase or decrease, I believe the overall figure should be adjusted accordingly. I have therefore considered the arguments about the level of windfalls in the five categories before concluding what would be the most appropriate total for unidentified sites.
- 7.4.115. In reaching my conclusions on this issue, I have taken into account the lower estimate of windfalls in other districts in the county. However, there appear to be particular circumstances in these cases that do not apply to Dacorum. I am not satisfied therefore that much weight can be attached to the expected number of windfalls in other districts in assessing the appropriate level for the unidentified sites allowance within the DBLP. I have also noted the concerns about “town cramming” but I am satisfied that other policies in the Plan, particularly Policy 9, would be sufficient to ensure that the additional windfall development would not lead to a harmful intensification of residential development.

**(u) Previous employment sites**

- 7.4.116. The Deposit Draft assumes that 400 dwellings will be supplied on unidentified sites through the reuse of employment land. However, the Council now accepts that a small reduction in the total to 384 dwellings is justified in the light of the proposed pre-inquiry changes. The Council believes these dwellings will arise from 3 sources. Firstly land in former General Employment Area’s (GEA) where housing development is encouraged under Policy 33; secondly other established employment sites and thirdly larger older office buildings in centres.
- 7.4.117. Since past rates for housing completions on employment land vary considerably it appears the Council considered it would be inappropriate to use them as a basis for its assessment. However, the process by which they arrived at their assumption of 400 dwellings is far from clear. It is interesting to note that if one were to use the average annual completion rate for all employment sites for the period 1991-1999 as the basis for the calculation the result would be 413 dwellings. This is very close to the original assumption of 400 units. The Council claims that this is merely a coincidence.
- 7.4.118. The majority of objectors who attended the RTS contend that no provision should be made for windfalls from existing employment sites. A few accept that an allowance is justified but believe that the figure should be substantially discounted. In the objectors’ view the Plan already identifies a large number of employment sites for housing. Retention of the remaining employment land is important if the Plan is to achieve its objective of sustaining the development and continued prosperity of the Borough’s economy. They point out that the Council already proposes to delete two

Policy 33 sites in Tring as part of the pre-inquiry changes and suggest that most of the other Policy 33 sites are unlikely to come forward. There is in their view therefore little prospect of significant additional employment land becoming available for housing during the Plan period.

- 7.4.119. Although the Plan does identify a number of large employment sites for housing, including the John Dickinson site, I do not consider this is sufficient reason to conclude that further sites are unlikely to come forward. While most of the larger sites appear to have been identified by the Council there are other smaller sites which may still come forward due to closure or rationalisation of existing firms. I appreciate the need to ensure that the Borough retains an adequate supply of employment land, both in quantitative and qualitative terms, to safeguard the economic prosperity of the area. However, I am not satisfied that a limited loss of smaller employment sites would seriously undermine this objective, bearing in mind my findings in Chapter 8.
- 7.4.120. For the reasons I have already given I do not consider using overall completion rates is the most sensible basis for predicting future windfall levels. If one looks instead at the average annual rate for unidentified employment sites, which I calculate to be 25 dwellings per annum<sup>32</sup>, the total figure for the remaining 12 years would be 300 dwellings. This is 25% lower than the figure the Council has assumed. In this instance, however, I do not believe it would be appropriate to rely solely on past trends to determine the likely future windfall potential. In the first place the annual completion rates for unidentified sites have been highly erratic and in the second place the current Plan identifies far greater numbers of employment sites for housing than has occurred in the past. In the circumstances, I consider that it is necessary to look more closely at the sources of potential windfall within this category.
- 7.4.121. Turning first to the Policy 33 sites, I note the Council considers that these sites<sup>33</sup>, could supply some 3 hectares of land, which would bring forward some 90 dwellings, based on a density of 30 dwellings per hectare. However, this figure is, in my opinion, unduly ambitious. As well as deleting Akeman Street and Brook Street, Tring, I have also recommended that the sites at Frogmore Road and Corner Hall<sup>34</sup> should be removed, as in my opinion they would either be unsuitable or unlikely to be realistically available for housing (*See paragraphs 7.16.12-13 of my report*). When these deletions are considered together with the need to continue to make suitable provision for small firms and the ownership constraints that exist, I consider that a more realistic assumption for the sites identified in Policy 33 would be 60 dwellings.
- 7.4.122. As for other established employment land, there is already some evidence that additional housing is coming forward from this source. Planning permission has recently been granted to redevelop the Glaxo Wellcome site in Berkhamsted for 49 dwellings. In addition the number of units granted permission on the John Dickinson site (TWA3) exceeds the capacity predicted in the Composite Plan by 130 units. Some proposals in the Plan also make provision for a small element of housing as part of a mixed-use redevelopment of an existing employment site. For instance, the outline

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<sup>32</sup> Using the completion rates from Appendix 2 of LPA DOC. No. 247 which takes the adopted Plans only as the source for identified sites.

<sup>33</sup> This excluding the sites at Akeman Street and Brook Street, Tring which the Council proposes under PICs 68 and 69 to delete from Policy 33.

<sup>34</sup> This site is not listed in Policy 33 but is identified for possible housing under Policy TWA4.

planning permission for the John Dickinson site provides for some 52 units to be constructed on TWA10. These dwellings are apparently not included within the identified site figure. On balance, therefore, I consider that the Council are right to make some allowance for housing coming forward on other established employment sites in addition to that from the sites identified in Policy 33.

- 7.4.123. In my view the additional 130 units on TWA3 should be added to the capacity for the proposal site rather than being included in the windfall figure. However, I consider it would be appropriate for the 49 units on the Glaxo Wellcome site, and the 52 probable units on TWA10 to be included within the windfall figure for employment sites. In addition, I believe it would be reasonable to assume that some further dwellings would come forward on other employment sites within the remainder of the Plan period, bearing in mind the continuing changes in economic circumstances. There is no way of estimating the exact extent of this but in the light of past trends I believe a figure of 50 additional dwellings would be appropriate. This would make a total of 151 additional units coming forward from other established employment sites.
- 7.4.124. The final category the Council refers to is the conversion of existing offices to flats. However, there is little evidence that this has been an important source of dwellings within the Borough to date. While such schemes have occurred elsewhere, particularly in larger urban centres, there can be no certainty that this type of conversion will make a significant contribution to the future level of windfalls in Dacorum. In the circumstances, I am not satisfied that it would be appropriate to include an additional allowance for dwellings from this source at the present time.
- 7.4.125. Combining the figures that I have assumed would arise from the 3 sources identified in paragraph 5.4.10 of CD57 would result in a total supply of 211 dwellings on unidentified sites through the reuse of employment land. However, I consider 19 dwellings<sup>35</sup> should be deducted from this total to take account of the sites adjacent 9 Bedford Street, Berkhamsted and at the Mill, Wilstone included in the identified site figure. This gives a total of 192 dwellings. This is much less than either the Council’s original figure of 400 dwellings or its revised figure of 384 dwellings. However, if one adds the additional dwellings from the John Dickinson site the total number of dwellings from employment sites would actually be slightly higher than would be predicted from previous trends. In my opinion, this is a reasonable assumption bearing in mind the encouragement that PPG3 gives for the reuse of previously developed land for housing.
- 7.4.126. In reaching this conclusion I have taken account of the large number of identified sites that are on former employment land. However, in the light of my findings above, I do not consider that this will necessarily reduce the number of small employment sites that come forward during the remainder of the Plan period. I recommend, therefore, that the assumed supply of unidentified sites through the reuse of employment land be amended to 191 dwellings. This is subject to the figure being reviewed should the Council decide to update the housing figures to 1 April 2001 as they have indicated they intend to.

<sup>35</sup> This figure takes into account that the permission granted for The Mill site was for 13 dwellings rather than the 10 assumed in Appendix 14 of CD57.

(v) **Unidentified sites in towns and large villages**

- 7.4.127. In calculating this figure the Council looked at the contribution from 3 separate areas. Firstly they considered the past completion rates for established residential areas in the towns, then the rates for the large villages and finally they looked at the New Town Corporation estates. The latter figure was arrived at on the basis of 2 detailed studies that examined the potential of the Grovehill and Adeyfield West neighbourhoods. The first study indicated that there was a potential for between 12 to 20 additional units over the Plan period in Grovehill. On this basis it was assumed that the New Town estates had a potential for between 76 to 127 dwellings in total. Following the subsequent Adeyfield West study this range was increased to 89 to 148 dwellings.
- 7.4.128. The objectors again argue that the Council’s assumptions are wrong and that the figures for the established residential areas in towns and large villages should be reduced. They also question whether the true potential for windfall sites on the New Town estates can be accurately predicted on the basis of 2 studies of small parts of the New Town.
- 7.4.129. For the reasons I have already given I consider that the Council were wrong to use overall completions to assess the level of future windfalls from residential areas in the towns and large villages. If the figures for 1991 to 1999 are recalculated using unidentified sites only the average annual rate for the established residential areas of the towns would be 65 dwellings and for the large villages would be 7.5 dwellings. If these rates continue then a total of 780 additional windfall dwellings could be expected on sites in the towns and 90 in the large villages. In the absence of a capacity study and without any clear evidence that rates would either rise or fall I consider that these assumptions are reasonable.
- 7.4.130. Since the assumptions are based on past rates for unidentified sites only I see no need to deduct dwellings on sites that are identified as housing proposals in the Plan. However, it would be logical to deduct the dwellings on the new sites that have been included in the identified site figure (*See Appendix 13 of CD57*), as they are effectively windfalls. There are a total of 58 dwellings on new sites in the towns and none in the large villages. Accordingly I consider the appropriate figures for towns and large villages would be 722 and 90 respectively.
- 7.4.131. Turning to the New Town area, the average annual completion rate for the period from 1993 to 1999<sup>36</sup> was 6 dwellings. This would result in a total of 70 dwellings from this source in the period up to 2011, assuming rates continue at the same level. However, in this case some detailed work has been done on assessing the potential capacity for this area of Hemel Hempstead. While I appreciate the studies were limited to only 2 of the New Town neighbourhoods I believe that it is possible to draw some conclusions for the whole area bearing in mind the similarities that exist between the different neighbourhoods.
- 7.4.132. I am concerned however about the reasons why the Council concluded that an increase in the overall dwelling potential was justified following the later Adeyfield Study. If

<sup>36</sup> I have used this period rather than the longer period of 1991-1999 in this case because the figures for 1991/93 in table 2.1 of Appendix 2 to LPA Doc No, 247 show a loss of 35 dwellings during that period. This appears to be an aberration and I consider including the figure for these years would seriously distort previous trends.

they reached this conclusion on the basis of this study alone then I have some doubts about its accuracy. If the conclusion was reached looking at the results of the 2 studies combined then it probably does have a greater degree of validity. However, in the absence of any evidence to confirm which approach was taken I consider that it would be sensible to take an average of the mid point figure for both studies, i.e. 110 dwellings. As this figure is based on a capacity assessment rather than merely being based on previous trends I consider that the 5 units already identified in Part 1 of the Housing Schedule should be deducted, giving a total of 105 units.

- 7.4.133. In reaching this conclusion I have taken account of the doubts expressed about the Council’s ability to ensure that the sites in the New Town would come forward. However, as much of this land is in Council ownership I am satisfied that there is a reasonable prospect that the target could be achieved. I therefore recommend that the figure for unidentified sites in established residential area of the towns and large villages should be modified to 922 dwellings. This is subject to the figure being reviewed in the light of completion rates for the period 1999-2001 in the event that the Council determines to update the housing programme to April 2001.

**(w) Unidentified sites in town and large village centres**

- 7.4.134. Many objectors, including the HBF, suggest once again that the Council’s figure should be discounted by 25%. They point out that Inspectors have commonly recommended such a discount. Other objectors, however, appear to accept that the Council’s estimate of this category of windfall dwellings is reasonably accurate.
- 7.4.135. In this case the Council appears to have calculated the average completion rates on the basis of unidentified sites only as the annual figures show no dwellings being completed on identified sites in centres between 1991 and 1999. Although objectors have suggested that the availability of such sites will decrease there is no evidence to support this. In the light of the advice in PPG3 I am satisfied that such sites are likely to continue to come forward at the same rate. Indeed looking solely at rates over the period 1996 to 1999 it appears that the number of sites coming forward in town centres may well be on the increase. For the time being, however, I consider it would be reasonable to assume that rates will remain at 12% per annum. This should, however be reconsidered if the figures for 2000 and 2001 show a further significant increase.
- 7.4.136. The resulting figure for the remaining 12-year period would be 144 units. In the Housing Technical paper (CD57) the Council in fact suggest a figure of 105 dwellings on the basis that sites included in the schedule of housing proposal sites should be deducted. However, while I accept that new sites should be deducted, I see no reason to deduct those sites originally identified as housing proposals in the Plan. Some 20 additional dwellings had been committed on new sites as at 1 April 1999. If these are deducted the resultant total would be 124 dwellings. I recommend that the figure for windfalls in towns and large village centres be amended accordingly, subject to it being updated as necessary.

**(x) Selected small villages and the countryside**

- 7.4.137. The Deposit Draft expects 243 dwellings to come from this source. In table 10 of CD57, however, the Council revises this to 216 dwellings. This is based on an assumed annual rate of 7 dwellings in the villages and 11 in the countryside. However,

I note that the annual average rate for all completions in the villages for the period 1991 to 1999 is only 4.6 per annum. This is a drop of approximately 1 dwelling from the completion rate for the period 1991 to 1997. Bearing in mind that the same restrictive policies will continue to apply to these settlements, I consider it unlikely that the rate will increase above this. In any case, in my view, it would be more sensible to use the rate for unidentified sites for the reasons I have already advanced. The resulting annual rate is 2 dwellings per annum. In my view, it would be more reasonable, therefore, to assume that a total of 24 dwellings would come forward on unidentified sites in the selected small villages during the Plan period.

7.4.138. In respect of the countryside the Council has calculated that the annual average rate is 22.9 dwellings per annum, based on all completions during the period 1991 to 1999. However, they have assumed that the conversion of rural buildings will decline. They have therefore discounted the rate by 50%. A number of the objectors argue that no allowance should be made for dwellings from this source as many of the sites are likely to be greenfield and barn conversions are likely to reduce substantially. The Council contends that only a minority of the completions took place on greenfield sites and points out that conversion rates increased in 1997/98 and 1998/99.

7.4.139. While completion rates may currently remain high I have to accept that some previous completions would no doubt be classified as greenfield development. However, I am not satisfied that this applies to the majority since many of the completions were conversions. From what I saw of the rural area of the Borough it appears that many of the larger barn complexes have already been converted, especially those in sustainable locations close to existing settlements. It seems likely therefore that in the light of the Government’s encouragement for a more sustainable pattern of development there will be fewer residential conversions of rural buildings in the future, particularly if due regard is had to the criteria in Policy 106. In the circumstances, I consider that the Council is right to assume that there will be a 50% reduction in windfall dwellings in the countryside during the Plan period.

7.4.140. If the annual rate of 11 dwellings is projected over the 12 year period it would result in a further 132 dwellings coming forward on unidentified sites in the countryside. Adding this to the 24 dwellings in the selected small villages would make a total of 156 dwellings in this category. I consider this to be a reasonable assumption and recommend that the Plan be modified accordingly, subject to the figure being updated if the Council should decide to use the base date of 2001.

7.4.141. In reaching this conclusion, I have noted the Council’s assertion that any shortfall in villages is likely to be more than made up by the figure for the countryside being exceeded. However, I do not consider that it is appropriate to assume that this will occur in view of my findings above. Clearly if the level of new dwellings in the countryside does remain at a significantly higher level than has been assumed for the purposes of Policy 17, the Council could revise the figures at the next review.

**(y) Other windfall sites**

7.4.142. Unlike many of the other categories the Council did not use past rates as the basis for estimating the likely number of dwellings to come forward on larger windfall sites but assumed an implied annual rate of 25 dwellings a year. Subsequently, they have proposed that this assumption should be reduced by 50 dwellings (*See paragraph*

5.4.24 of CD57). They also propose that a further 99 dwellings on 4 sites, which they have included in Phase I of the housing schedule, should be deducted, leaving a total of 201 dwellings in this category.

- 7.4.143. Many of the objectors argue that no allowance should be made for other windfall sites. They point out that many of the previous large windfall sites were former educational land. In view of changes in national policy, such sites are unlikely to come forward in the future, particularly as the County has finished its review of educational requirements. Some objectors also question the inclusion of residential moorings, which they consider are unlikely to result in a significant number of additional residential units.
- 7.4.144. Unlike its predecessor paragraph 36 of the current PPG3 states that authorities should make allowances for all the different types of windfalls in their plans. It is clear from the preceding paragraph that this is expected to include large sites. Although the number of potential sites on ex state school land may have diminished, I accept that other types of site in this category could still come forward. Indeed the Council has identified at least two potential sites, one at Berkhamsted Prep School, Chesham Road and the other at Highfield House, Jupiter Road, Hemel Hempstead. In the circumstances, I conclude that it is reasonable for the Council to make an allowance for other windfall sites, including sites of over 1 hectare that are not included in the previous categories.
- 7.4.145. I also see no reason to exclude residential moorings from the figure. Although the numbers may be quite small it is apparent that British Waterways intend to “regularise” at least 11 moorings. In addition, it is possible that the new basin on the John Dickinson site may provide additional residential moorings. In view of the popularity and cost-effectiveness of this form of accommodation I consider it sensible to assume that the number of residential moorings would increase during the Plan period.
- 7.4.146. The question, however, is how best to estimate the likely amount of housing to come forward in this category. The statistics show 109 completions on other unidentified sites over the 1991 to 1999 period. This would indicate an annual average completion rate of 13.62 dwellings. If these rates were to continue over the rest of the Plan period 163 dwellings would be likely to arise from this source. However, I note that the level of completions has varied considerably from year to year. More importantly the number of completions reduced significantly after April 1995. The annual average completion rate for the 1991 to 1995 period was 16.25 dwellings. In contrast it was only 5.5 dwellings for the period from 1995 to 1999.
- 7.4.147. In my view therefore it is not safe to assume that completions will continue at the same rate as for the period 1991 to 1999. In the light of the declining rate of completions on unidentified sites in this category I consider that it would be sensible to discount the average rate by a minimum of 25%. This would result in a total of 123 dwellings from this source. If the dwellings on the new site at Berkhamsted Prep School are deducted the total would be 92 dwellings. I believe this to be a more realistic figure for the number of units likely to come forward on other windfall sites during the Plan period and I recommend that the figures in Policy 17 should be modified accordingly subject of course to any necessary updating.

**(z) Greenfield windfalls**

7.4.148. A number of objectors contend that the figure for unidentified sites has been inflated by the inclusion of greenfield windfalls. However, the Council insists that in line with the advice in PPG3 they have not included any allowance for greenfield sites in their calculation of future windfalls. In the absence of any evidence to the contrary I find no reason to disbelieve this assertion. I see no need, therefore, to make any further modifications to the figures in the light of these objections.

**Conclusion on identified and unidentified sites**

7.4.149. In view of my findings I conclude that the total figure for unidentified sites should be reduced to 1485 dwellings. In consequence the figure for identified sites will need to be increased to 2,814 if the Structure Plan target is to be achieved. This would constitute an increase of 369 dwellings on the figure in the third column of Table 10 of CD57, which includes the pre-inquiry changes.

7.4.150. Some of this increase could be met by raising the expected capacity of a number of the housing proposal sites. In my view, it should also be possible to extend some of the sites that have already been identified (e.g. H27 & TWA8). However, even with these additional dwellings, I consider that in order to meet the housing requirement the Council will need to bring forward at least one site from Phase III as well as identifying a small number of additional housing sites. I set out in Appendix H how I believe this can best be achieved taking into account my recommendations in respect of the phasing, density and suitability of both the housing proposal sites and the omission sites that have been suggested by objectors.

**Loss of dwellings****(aa) Appropriateness of including a figure for dwellings lost during the Plan period**

7.4.151. The table in Policy 17 of the Deposit Draft includes an assumed figure of 28 dwellings that it is expected would be lost during the Plan period. These have been deducted from the total number of new dwellings that are expected to come forward to obtain the forecast level of increase. Table 10 of CD57 includes a revised figure of 36 dwellings. This is calculated on the basis that the average annual rate of loss over the period 1991 to 1999<sup>37</sup> would continue at this level until 2011.

7.4.152. The objector argues that this figure is too low and suggests instead that the assumed figure should be based on the rate of loss over more recent years. They point out that the annual rate of loss over the 5-year period 1994 to 1999 was 3.4 dwellings per annum. For the remaining 12 years this would give rise to a total of 41 dwellings lost.

7.4.153. I have no doubt that it is appropriate to assume that some dwellings would be lost during the Plan period. However, the numbers are likely, in my view, to be quite small. In view of this I consider that it would make little practical difference to the overall housing strategy whether the Council’s or the objector’s figure is adopted.

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<sup>37</sup> The rate is 3 dwellings per annum.

7.4.154. While rates do appear to have been slightly higher over the latter part of the period for which figures are available, there can be no certainty that this rate will persist throughout the rest of the Plan period. In the light of Policy 16 of the Plan, which aims to ensure that dwellings are retained, I consider it reasonable to assume that the Council will endeavour to ensure that the number of dwellings lost is kept to a minimum. In the circumstances, I consider that the Council’s assumption of 36 dwellings lost over the Plan period is likely to be a more accurate reflection of what will actually occur. I therefore endorse the figure the Council has included in Table 10 of CD57 and I recommend that the Plan be modified accordingly.

The housing reserve

**(bb) *The relevance and size of the housing reserve and the sites within it***

7.4.155. While I understand the Council’s view that the inclusion of a housing reserve provides some flexibility in respect of the housing strategy, I am not persuaded that it is appropriate to include such sites within the overall housing provision figures in the light of the advice of PPG3. Paragraph 30 of PPG3 makes clear that the Plan should only seek to identify sufficient land to meet the current housing requirement. It makes no provision for allocating additional land beyond this period even if it is intended to act as a reserve in case other sites do not come forward as expected.

7.4.156. I appreciate that the Plan states that the land is reserved for implementation after the Plan period and that Policy 18 would only allow it to be brought forward for development in exceptional circumstances. Nevertheless, I consider the identification of additional greenfield land for development beyond the Plan period would be contrary to the aims of PPG3, especially since, in the absence of a full capacity survey, there can be no certainty at this stage that the land will ever be required for housing.

7.4.157. Although Policy 5 of the Structure Plan appears to make provision for land to be released from the Green Belt which is not planned for development during the period of the Local Plan it merely states that this land should be safeguarded in the Plan. It makes no reference to such land being identified for housing development. In any case as the Policy predates the publication of PPG3 I consider less weight should be attached to it, insofar as it conflicts with the objectives of current national policy. In the circumstances, I consider that all references to a housing land reserve should be deleted from Policy 17.

7.4.158. I understand the reasons why some objectors consider that a larger reserve should be included. However, if my recommendation to reduce the assumed number of dwellings from unidentified sites is adopted, I consider that the housing strategy would have sufficient certainty of bringing forward the required amount of housing to obviate the necessity for including a housing reserve in the Plan at this stage. Clearly if this assumption should prove to be inaccurate, the five-year review of the Plan required under paragraph 34 of PPG3 would allow further housing sites to be identified at that stage to meet any shortfall. I see no need, therefore for such sites to be allocated at the present time.

7.4.159. Turning to the question of whether any of the reserve sites should be included in Parts I and II of the Housing Schedule, I consider that it will be necessary to bring forward at least one reserve site into Part II in order to meet the housing requirement. For the

reasons I set out fully in section 7.45 of my report I believe that this should be the site at Durrants Lane/Shootersway, Berkhamsted (H52). I am satisfied that there would be no need to bring forward any of the other reserve sites. I therefore recommend that Policy 17 of the Plan be modified by deleting all reference to the housing reserve sites; that housing proposal site H52 be brought forward into Part II of the Housing Schedule and that Part III of the Schedule and sites H53, H54 and H55 be deleted<sup>38</sup>.

Individual settlements and sites

**(cc) Additional housing in Bovington**

7.4.160. Although there is a reasonable bus service available to Bovington, I am not satisfied that significant additional housing development in the village would be sustainable for the reasons I have already indicated in paragraph 4.8.11 of my report. It appears that existing services in the village are already under some strain and there is often significant traffic congestion in the centre of the village. In the circumstances, I accept the Council’s contention that the settlement has reached capacity. Consequently, I do not consider that it would be appropriate for the Plan to identify additional housing in Bovington. I, therefore recommend that no modification be made to Policy 17 in response to objection 503. I deal with the objector’s representations in respect of the land adjacent Louise Walk/Yew Tree Drive, Bovington in section 7.51 of my report.

**(dd) The phasing of H52 (Durrants Lane/Shootersway, Berkhamsted)**

7.4.161. If my recommendation that the number of dwellings on unidentified sites be reduced to 1485 is adopted, it will be necessary to increase the number of dwellings on identified sites by some 369 units. Although part of this could be met by increasing the density and extending the area of some of the existing proposal sites, I consider there will be a need to find additional sites. A few sites, such as the land at Dundale, Tring, have already been identified in the Council’s pre-inquiry and further changes. In addition, I believe a number of dwellings could be satisfactorily accommodated on land identified by objectors. However, even with these sites I consider that land for at least 100 additional dwellings will need to be found, especially as I have recommended that some of the existing housing sites in Parts I and II of the Schedule should be deleted.

7.4.162. Although the site on Durrants Lane/Shootersway, Berkhamsted is poorly located in respect of access to public transport and local services, I judge that visually the development of this site would have a limited impact on the wider landscape. It would also, in my opinion, have only a marginal effect on the purposes and objectives of the Green Belt. In addition, its development would have the advantage of bringing forward public open space in an area of the Borough that is seriously deficient in this resource. It should also enable Egerton-Rothesay school to significantly upgrade its facilities. On balance, therefore, I consider that the advantages of this site are sufficient to warrant bringing it forward rather than any of the other reserve housing sites. I therefore recommend that the Plan should be modified so as to include H52 in Part II of the Schedule of Housing Proposal Sites.

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<sup>38</sup> For my detailed conclusions on these sites see the following sections of the report:-  
 H53 Lock Field, New Road, Northchurch 7.46  
 H54 West Hemel Hempstead (Phase III) 7.47  
 H55 Rectory Farm, Hempstead Road, Kings Langley 0

**(ee) The phasing of H53 (Lock Field, Northchurch)**

- 7.4.163. I am satisfied that much of the increased housing requirement from identified sites could be met from existing sites or from other more sustainable sites on the edge of Berkhamsted, Hemel Hempstead or Kings Langley. While I have found that some of the reserve housing land will need to be brought forward, this site is not of sufficient size to accommodate all of the additional dwellings that I believe would be required from Part III sites during the Plan period. As the other reserve sites are much larger and are not, in my view, readily divisible, I do not consider that the requirement could be readily met by this site either on its own or in combination with other sites.
- 7.4.164. In my view this site would not only be unduly prominent in the landscape but it would also have other serious planning disadvantages, which I set out more fully in section 7.46. I do not consider, therefore, that it would be appropriate for this site to be developed during the present Plan period. I, therefore, recommend that no modification be made to the Plan in answer to this aspect of objections 5373PC, 5374PC and 5375PC.

**(ff) The deletion of H54 (West Hemel Hempstead – Phase III)**

- 7.4.165. For the reasons I give in section 7.33 of my report I consider that the land at West Hemel Hempstead should not be developed for housing during the current Plan period. In the circumstances, I consider that the deletion of H54 is appropriate. However, even if the Council was to decide to retain sites H34 and H51 in the Plan I find no need for site H54 to be identified for implementation after the Plan period in the light of my conclusions on the housing reserve in paragraphs 7.4.155 to 7.4.159. I therefore recommend that no modification be made to the Plan in the light of objections 5317PC, 5318PC, 5319PC and 5579PC.

**(gg) The deletion of TWA6 & TWA7 (Manor Estate)**

- 7.4.166. As I have already indicated I have some difficulty in understanding the planning basis for the substantial changes the Council proposed to its housing strategy at the pre-inquiry stage. Even if it were appropriate for land at Breakspear Way to be identified for housing, I can find no clear reason why it would be more appropriate to delete the proposed sites at Manor Farm than any of the other greenfield housing sites proposed in the Plan. For the reasons I set out in Chapter 17 of my report I consider that TWA6 and TWA7 are sustainable sites for housing development, which I believe would have minimal impact on the purposes and objectives of the Green Belt. I conclude, therefore, that they should not be deleted from the Plan. Consequently, I recommend that PICs 240 and 241 and the other PICs consequent on them should not be adopted.

**(hh) Changing the allocation of TWA8 (Gas Board site and land to the rear of London Road) to housing**

- 7.4.167. Development of the gas board site and adjacent ex-railway sidings for housing would undoubtedly comply with the objectives of national and strategic policy, as it would involve the use of previously developed land. It would also, in my view, constitute a sustainable form of development, owing to site’s proximity to the town centre and the railway station. While it has been suggested that the land would be required for

employment purposes I am not persuaded that this is the case for the reasons I outline in Chapters 8 and 16 of my report. In my opinion, the loss of this site would not seriously undermine the aims of the Plan’s employment strategy, especially if the number of Policy 33 sites is reduced and Employment Proposal site E2 is retained as I have recommended. Similarly, I am not satisfied that the need for a park and ride facility in this location has been sufficiently established to justify part of the site being allocated for this purpose. In the circumstances, I consider that it is appropriate for TWA8 to be designated as a housing site in its entirety and I recommend that the Plan be modified accordingly.

- 7.4.168. In reaching this conclusion I have noted the doubts that some objectors have raised as to the deliverability of this site. However, while I appreciate that the existing gas holder and mains may constrain the number of dwellings that could be accommodated, I find no reason to believe that the bulk of the site would not come forward during the current Plan period, based on the evidence provided by Lattice Property.

**(ii) *The use of E2 (Buncefield Lane [West]/Wood Lane End [South]) for housing***

- 7.4.169. For the reasons I have set out more fully in section 7.53 and Chapter 8 of my report, I find that the development of Employment Proposal site E2 for housing would be inappropriate. Not only would it lead to an unacceptable loss of employment land but it would also, in my opinion, constitute an unsustainable form of development, especially as it would not form an extension to an established neighbourhood. I am not satisfied therefore that the use of E2 for housing would accord with the main objectives of the housing strategy. In the circumstances, I do not support its deletion as an employment site as proposed under PIC 71.

**(jj) *Whether part of E4 (Three Cherry Trees Lane [East]) should be used for housing***

- 7.4.170. I have concluded in section 8.15 of my report that only some of the land allocated for employment at North East Hemel Hempstead will be required to meet the strategic need for land to accommodate specialised technological activities or other activities which are in the national or regional interest. The other more generalised employment activities that the Council envisages taking place on this site would, in my view, be better accommodated on other land within the Borough. In the circumstances, I consider that some 3.5 hectares of Employment Proposal site E4 could be allocated for housing. I judge that this area, in conjunction with the land already allocated under proposal H27, could accommodate at least 350 dwellings. In my view the increase in the housing area would have significant benefits for the reasons I have set out in section 7.28 of my report. I, therefore, recommend that the Plan be modified so as to include the northern part of E4 within the area allocated for housing under Proposal H27, as indicated in Figure 5.

- 7.4.171. In reaching this recommendation, I have noted that the EIP panel favoured the retention of most of the land - over 25 hectares - for employment purposes. However, Policy 15 of the adopted SPR does not identify a specific site area for the strategic employment site at Three Cherry Trees Lane. In the light of my findings in Chapter 8, I am satisfied that a slightly smaller area than that favoured by the EIP panel would in fact be sufficient to meet the strategic objectives envisaged in the Structure Plan.

**(kk) Additional housing in Tring**

7.4.172. As I have previously concluded in paragraph 4.6.12, the capacity of Tring to accommodate additional housing is limited due in part to the inability of the existing educational provision to meet the demand. Consequently, I do not consider that it would be appropriate for the number of identified sites in Tring to be increased significantly. Neither, however, do I believe it is necessary for the level of housing in Tring to be reduced for the reasons I have set out in paragraph 7.2.65 of my report. I recommend, therefore, that no modification be made to the Plan in the light of these objections.

Other issues

**(ll) Residential moorings**

7.4.173. Although the objector states that neither the Policy nor its background text makes reference to residential moorings this is not strictly accurate. Paragraph 7.27 of the background text does mention this form of accommodation. It makes clear that the housing programme allows for such schemes within the category of other windfalls. In my view, it would be inappropriate for Policy 17 itself to make explicit reference to residential moorings, since it does not seek to identify different types of housing provision. The Plan already includes other policies that deal with residential moorings in greater detail. In the circumstances, I am satisfied that the issue of residential moorings is dealt with adequately at this point of the Plan. I, therefore, recommend that no modification be made to the Plan in response to objection 2847.

**Recommendation**

7.4.174. **The Plan be modified as follows:-**

**(a) either**

**(i) Policy 17 be amended to read:-**

**“New housing will be provided through the programme of development set out below:**

<b>20 Year Structure Plan requirement 1.4.91 – 31.3.2011</b>	<b>7,200</b>
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<b>8 year completions 1.4.91 – 31.3.99</b>	<b>2,937</b>
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<b>Remaining 12 year Structure Plan requirement</b>	<b>4,263</b>
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**12 year programme 1.4.99 – 31.3.2011**

<b>1. Identified sites</b>	<b>2,814</b>
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**Identified new build sites for 5 or more dwellings  
(Parts I and II of the Schedule of Housing Proposal Sites)**

<b>2. Unidentified sites</b>	<b>1,485</b>
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<b>Assumed supply of unidentified sites through the reuse of employment land</b>	<b>191</b>
<b>Assumed supply of unidentified sites up to 1 hectare Comprising new build schemes and conversions:</b>	
• <b>In established residential areas of the towns and large villages</b>	<b>922</b>
• <b>In designated town and local centres of the towns and large villages; and</b>	<b>124</b>
• <b>In the selected small villages and countryside</b>	<b>156</b>
<b>Other windfall sites</b>	<b>92</b>
<b>3. Less assumed loss of dwellings in non-residential development schemes</b>	<b>36</b>
<b><u>TOTAL</u></b>	<b><u>7,200</u></b>

The contribution of sites in Part II of the Schedule of Housing Proposal Sites to the housing programme and the development of any unidentified greenfield sites will be controlled under Policy 18.

New build sites (for 5 or more dwellings) are listed in the Schedule of Housing Proposal Sites. For some of these sites, specific planning requirements are set down; these should be met.

Or

- (ii) Amend Policy 17 as set out above subject to the completion figures being updated to cover the period 1.4.91 – 31.3.2001 and the remaining 10 year programme adjusted accordingly;
- (b) amend the background text in paragraphs 7.19 to 7.30 to take account of the revised figures in Policy 17 and the amended method of calculation for the various categories of unidentified sites;
- (c) revise Tables 1 and 2 to take account of the amendments to Policy 17;
- (d) delete all Housing Proposal sites which have been completed;
- (e) delete Housing Proposal sites H17, H23, H47 and TWA4 and increase the number of dwellings on other identified sites accordingly;
- (f) move Housing Proposal Site H52 into Part II of the Housing Schedule;
- (g) delete Part III of the Housing Schedule and sites H53, H54 and H55;
- (h) allocate the whole of TWA8 for housing

**(i) extend Housing Proposal site H27 to cover the northern part of Employment Proposal site E4 in accordance with Figure 5.**

7.4.175. **PICs 240 and 241 and any other consequent PICs be not adopted.**

7.4.176. **The Council review the capacity of all identified sites in order to ensure that the maximum suitable density will be achieved in line with the advice in PPG3.**

## 7.5. POLICY 18 : CONTROL OVER HOUSING LAND SUPPLY

### Objections

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
591	The House Builders Federation	1945	Taywood Homes Ltd
625	Mrs P A Elderkin	3707	Silvermere Developments
1236	The Chiltern Society	3788	Mrs S Gregory
1279	CPRE – The Hertfordshire Society	3797	Mr & Mrs M Tomlinson
1523	Kings Langley & District Residents' Association	3812	Mr & Mrs P H Gee
1545	Linden Homes South-East Ltd	3822	Mr D Chandler
1596	Mrs A Johnson	3993	HCC Corporate Services Department
1677	Mr P Witt & Ms S Wareham	4049	HCC Environment Department
1745	Berkhamsted Town Council	4092	Lucas Aerospace
1821	Wilcon Development Group Ltd	5071	Tring Environmental Forum
1939	H & I Glasser Ltd		

### Supports

1889	Chiltern District Council	4659	HCC Corporate Services Department
4050	HCC Environment Department	4935 L	English Nature
4530	John Dickinson Stationery Ltd		

### **Key Issues**

#### General principles and wording of the policy

- (a) Should the wording of the policy be amended to take account of the guidance in paragraph 33 of PPG3. (3812)
- (b) Does the phasing of housing proposals conform to the Structure Plan. (1545, 1677)
- (c) Is the policy unduly arbitrary and would it create uncertainty. (1939, 1945)
- (d) Is it appropriate for the policy to seek to ensure that development opportunities continue after the Plan period. (1523, 5071)
- (e) Whether the policy is overlong and inconsistent. Are the phasing provisions for large sites too inflexible and should they be subject instead to individual phasing agreements. (1821)
- (f) Would phasing the release of land be likely to result in a shortage of land being available for housing during the Plan period. (1677, 3812)
- (g) Ought the title of the policy to be extended to refer to 'Identification of Additional Sites'. (4049)

#### Monitoring the housing land supply

- (h) Whether monitoring of a 5-year housing land supply should be carried out. (1677)

#### The housing land reserve

- (i) Is there a need to refer to the housing land reserve. (1523)

- (j) Should the wording of the Schedule of Housing Proposal Sites be modified to properly reflect the role of the reserved sites. (3993)

#### Controlling the supply of unidentified sites

- (k) Whether the policy relating to managing the supply of unidentified sites is sufficiently clear. Would it result in the arbitrary holding back of planning permission. (591, 4092)
- (l) Should the release of unidentified sites be the exception. (5071)
- (m) Ought the release of unidentified sites, before April 2006, also allow for developments that form part of a package which secures improved community facilities or should supporting text be introduced to facilitate this instead. (3993)

#### The oversupply of housing

- (n) Can an oversupply of housing be justified. (1236)
- (o) Is the term “substantial oversupply” adequately defined. Is it appropriate in this context to specify a minimum eight-year supply. (1279, 4049, 5071)

#### Control over Part II sites

- (p) Does the policy need to be modified to highlight that sites within Part II should be released early if necessary to secure a 5-year supply of housing land in preference to sites in Phase III. (1523)

#### Control over Part III sites

- (q) Are the criteria for Phase III sites sufficiently robust and do they serve a valid purpose. (625, 1523, 1596, 3993)
- (r) Is the need for affordable housing sufficient to justify bringing forward Phase III sites and does the blanket requirement for affordable housing accord with current Government policy. (1523, 1596, 3707, 3788, 3797, 3812, 3822)
- (s) Whether the reference to “overriding planning advantages” in criterion (iii) is unacceptably ambiguous or weak. (1523, 1596)

#### Individual sites

- (t) Whether it is appropriate to describe all the sites in Parts II and III as “greenfield” sites. (3993)
- (u) Is the allocation of specific sites to particular phases reasonable or not. (1545, 1677, 1821, 3993)

#### Other matters

- (v) Does the policy need to be consistent with other Hertfordshire district plans. (4909)
- (w) Should it refer to the reuse of rundown or derelict sites. (1745)
- (x) Whether the phasing status of individual housing sites should be shown on the Proposals Map. (1821)

## Inspector’s Conclusions

### General principles and wording of the policy

#### *(a) Consistency with paragraph 33 of PPG3*

- 7.5.1. Paragraph 33 of PPG3 requires local plans to include policies for the release of sites for housing development according to the priority set out in paragraph 32. This indicates that previously developed sites should be developed before greenfield sites. Paragraph 33 also states that local authorities should manage the release of sites to control the pattern and rate of urban growth. However, it makes clear that it is for each local authority to determine the form of such phasing policies, although it suggests one form is to divide the plan into three phases. The objector questions whether Policy 18 adequately reflects this advice and suggests that it should be amended to reflect the advice in the good practice guidance<sup>39</sup>.
- 7.5.2. I accept that Policy 18 does not specifically state that previously developed sites should be developed before greenfield sites. Nevertheless, the policy would, in my view, enable the Council to effectively manage the release of sites so as to control the pattern and rate of urban growth in accordance with the aims of paragraph 33. I am rather more concerned that the policy fails to make any mention of either the co-ordination of new infrastructure and housing or to the achievement of the Council’s land recycling target. I consider the policy would be more consistent with national advice if these objectives were specifically referred to.
- 7.5.3. It is apparent from the Housing Schedule that all previously developed sites have been included in Part I, which accords with the advice in paragraph 32 of PPG3. However, Part I also includes some greenfield sites. This could result in such sites being developed before previously developed sites in some cases. Clearly this would not strictly accord with the advice in PPG3 or the good practice guidance<sup>39</sup>. However, it is apparent from the examples given in the latter that the early release of larger greenfield sites may be appropriate in some instances. For instance where there is insufficient previously developed land to meet the five-year requirement or where the need for infrastructure investment is likely to result in a long lead-in time.
- 7.5.4. In my opinion, it is clear that without the inclusion of some greenfield sites in Part I of the housing schedule it would be impossible for the Proposals Map to show sufficient sites to accommodate the first five years as required by paragraph 34 of PPG3. More importantly, it appears that many of the larger greenfield sites, particularly TWA7, would require extensive infrastructure investment. This is likely to delay housing coming forward on these sites significantly. In the circumstances, I am satisfied that it is appropriate for most of the larger greenfield sites to be included in Part I of the housing schedule.
- 7.5.5. In contrast I consider the inclusion of a number of smaller greenfield sites in Part I is unnecessary and contrary to the objectives of PPG3, as they are neither strategic nor do they require significant infrastructure investment. In the circumstances, I believe it would be better if such sites were held back for development until after 2006. Subject to this change and the amendments referred to in paragraph 7.5.2 I consider that Policy

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<sup>39</sup> “Planning to Deliver – The managed release of housing sites: towards better practice DTLR July 2001

18 would accord with the objectives of paragraph 33 of PPG3. I, therefore, recommend that in response to objection 3812, Policy 18 be modified by including additional criteria relating to the co-ordination of infrastructure provision and the recycling of brownfield land and that the smaller greenfield sites in Part I of the Schedule be moved to Part II.

**(b) *Conformity with Structure Plan***

- 7.5.6. Policy 9 of the Structure Plan Review does not mention the phasing of housing development. I do not find this surprising as the SPR predates the current version of PPG3, which places much greater emphasis on controlling the release of housing land. However, paragraph 143 of the SPR does make clear that the County Council expects local plans to include phasing policies to ensure that an appropriate supply of housing land is released for development during the later years of the Plan period.
- 7.5.7. More importantly, HCC has issued a certificate of conformity for the DBLP and I note from objection 4049 that although they have some minor concerns about wording they strongly support the aims of Policy 18. I am satisfied therefore that the phasing of housing proposals accords with the overall aims of the Structure Plan. Consequently, I recommend no modification to Policy 18 in the light of these objections.

**(c) *Is the Policy unduly arbitrary***

- 7.5.8. Although both objectors appear to accept the concept of phasing they contend that the Council’s allocation of housing into 3 phases amounts to arbitrary rationing. Neither objector, however, gives clear reasons for this conclusion. Since the sites included in Parts II and III of the Housing Schedule are predominantly greenfield sites, I am satisfied that their inclusion in later phases is not unduly arbitrary.
- 7.5.9. I appreciate that there are a few greenfield sites within the first phase of development but for the most part there appear to be good reasons for this. I am not satisfied, therefore, that the inclusion of these sites would necessarily be in conflict with the overall aims of PPG3. I accept, however, that some changes to the allocation of individual sites to particular phases would help to make the housing strategy accord more closely with the objectives of paragraph 32 of PPG3.
- 7.5.10. I note the suggestion that the policy is unnecessary, creates uncertainty and is open to misinterpretation or abuse. However, I do not accept this. I have no doubt that in order to meet the objectives of national policy it will be necessary for the Council to exercise control over the release of housing land. Indeed in an area where housing demand remains particularly buoyant there is a serious danger that land supply will be exhausted early in the Plan if it does not. The evidence of past completion rates, which have consistently exceeded the Structure Plan requirement, strengthens my view. The level of control that is proposed under Policy 18 would help to provide greater certainty and ensure the continuing availability of housing land for the remainder of the Plan period.
- 7.5.11. As I have already indicated above, I accept that the wording of the policy does require some minor amendments to ensure that it more accurately reflects current national guidance. However, subject to these changes I am satisfied that it should not be open

to misinterpretation or abuse. In the circumstances, I see no need for any further modification in answer to these objections.

**(d) *Development opportunities after the Plan period***

7.5.12. I have concluded that the identification of a third phase of housing development for implementation beyond the Plan period is inappropriate for the reasons I set out fully in paragraphs 7.5.22 to 7.5.26 below. However, this does not mean that the principle of controlling land supply in order to ensure that development opportunities continue after the plan period would be unreasonable. In my view, the inclusion of such a statement would merely serve to endorse the Council’s strategy of seeking to limit housing development during the Plan period to that necessary to meet the Structure Plan requirement. If the requirement were to be significantly exceeded this would clearly reduce the land available for development in the future. In my view this would not only limit future development options but could put further pressure on the Green Belt. In the circumstances, I see no benefit in deleting or amending criterion (c) in the first paragraph of Policy 18.

**(e) *Length of policy and phasing for large sites***

7.5.13. Policy 18 is lengthy and I have no doubt that it could be made more concise. However, the alternative policy suggested by the objector is not significantly shorter. More importantly, although the alternative policy repeats the wording in PPG3, I am not satisfied that it is noticeably clearer than the original policy. Although the objector maintains that Policy 18 is internally inconsistent they provide no clear evidence to support this.

7.5.14. I accept that there would be some benefit in referring to the other objectives for controlling the release of housing land that are specified in paragraph 33 of PPG3. However, I see no need to totally rewrite the first paragraph of the Policy to achieve this. Neither in my view is it necessary for the Policy to refer to the fact that priority has been given to the reuse of previously developed land together with the most sustainable greenfield sites. In my view this is merely an explanatory statement. As such I believe it would be better to address this issue through amendments to the supporting text.

7.5.15. As for the suggestion that Part I sites should be sufficient in quantum to accommodate requirements to March 2008, while such a change is superficially attractive, particularly as the Plan may not be formally adopted until 2003, I am not satisfied that it would be appropriate. It is clear from the good practice guide<sup>39</sup> that phases can be shorter than 5 years. More importantly, I doubt that the Council would have sufficient statistical information available at the time that they were making the necessary modifications to the Plan to calculate the exact amount of land that would be needed between 2003 and 2008. There is a serious danger therefore that such a change could result in the release of greenfield sites earlier in the Plan than is strictly necessary. It could also limit the Council’s ability to hold back greenfield sites should other previously developed sites come forward. On balance, therefore, I consider that it would be more appropriate to continue to use the starting date of 2006 for Part II of the housing programme.

- 7.5.16. Determining the order of release of Part II and Part III sites on the basis of the scale of need and the sustainability ranking of sites also has its attractions. However, the good practice guide<sup>39</sup> makes clear that such an approach has several pitfalls. In particular it is likely to give rise to time consuming disputes as to the basis for such ranking. Such an approach could, therefore, give rise to an unacceptable delay. More importantly, since the refusal of planning permission on the grounds of ranking alone is unlikely to be lawful it could make such an approach difficult to operate effectively. I am not satisfied, therefore, that such an amendment would be beneficial.
- 7.5.17. There may be some advantages in having individual phasing agreements for larger sites. However, whether such an approach is appropriate is likely to depend on the size and character of the individual sites. In the circumstances, I consider this issue is better addressed in the site specific proposals rather than in Policy 18. In any case, the phasing of the largest site at West Hemel Hempstead is already adequately addressed through the division of the site into separate phases. This approach has not been used for other greenfield sites but none are as large as West Hemel Hempstead. I am satisfied that the rate of their development should be sufficiently controlled by the need to provide the necessary infrastructure and the physical ability of the developers to complete more than a certain number of dwellings in any one year.
- 7.5.18. Consequently, I find no need to make further modifications to Policy 18 in the light of objection 1821, other than those I have already recommended in paragraph 7.5.2. However, I recommend that the wording of paragraph 7.32 of the background text should be modified to make clear that priority has been given to the reuse of previously developed land. In addition, it should be amended to explain the reason why certain greenfield sites have been included in Part I of the Housing Schedule.

**(f) *Availability of housing***

- 7.5.19. I see no reason why phasing the release of land should be likely to result in a shortage of land being available providing the policy makes sufficient provision for sites to be brought forward if necessary to ensure a 5-year supply of housing land. While Policy 18 provides for Part III sites to be released earlier, it fails to make similar provision for this to happen in respect of Part II sites. Although this is unlikely to be required, I consider that the Policy would be more in tune with the advice in the good practice guide<sup>39</sup> if it contained sufficient flexibility to allow sites to be reassigned without necessitating a formal revision of the Plan. It should also clearly indicate the circumstances that would cause this reassignment to occur and the process that would be operated. In my view the only circumstances likely to justify bringing forward Part II sites would be the need to ensure a 5-year supply of housing land. I therefore recommend that the Plan be modified to make provision for Part II sites to be released early in such circumstances and for Part I sites to be held back if a substantial oversupply of housing should arise.

**(g) *Identification of additional sites***

- 7.5.20. I note the suggestion that the policy should also seek to encourage the identification of other suitable opportunities to provide more housing through planned regeneration within the existing built up areas of towns listed in Policy 1. However, in my view this would confuse the issues of phasing and urban regeneration. Moreover, I consider such an approach is already adequately addressed by national and strategic policy. I

see no benefit from Policy 18 including a generalised reference to such an approach being encouraged particularly where there is no explanation of how the Council would achieve such an objective. I, therefore, recommend that no modification be made to Policy 18 in response to this element of objection 4049.

### Monitoring the housing land supply

#### **(h) The 5-year supply**

7.5.21. It is abundantly clear from PPG3 that the Government considers effective monitoring to be essential to the strategy of maintaining an adequate supply of land and buildings for housing and to enable its managed release. The subsequent good practice guide<sup>40</sup>, strongly endorses this advice. I am satisfied therefore that the requirement in Policy 18 to continually monitor the five year housing land supply accords with national advice and is both appropriate and not unduly cumbersome. I, therefore, recommend no modification be made to meet this aspect of objection 1677.

### The housing land reserve

#### **(i) Appropriateness of having a housing land reserve**

7.5.22. While I can understand the reasons why the Council has made provision for a housing land reserve I am doubtful that such an approach is necessary or that it strictly accords with the objectives of PPG3. Although paragraph 33 of PPG3 does refer to one possible approach to managing the release of land for housing as being the division of the plan into three phases it is clear from the subsequent good practice guide<sup>39</sup> that this is intended to refer to phases within the Plan period. There is nothing in PPG3 or in the good practice guide to indicate that it would be appropriate to provide for additional sites beyond the Plan period, even if they are intended to act as a reserve for the current Plan period.

7.5.23. I appreciate that Policy 5 of the Structure Plan allows for land released from the Green Belt, which is not planned for development during the period of the local plan, to be safeguarded in the Plan. However, I am not persuaded that this is intended to allow for the release of additional sites over and above those required under Policy 8 of the SPR to meet the strategic requirement for 1,000 dwellings on the periphery of Hemel Hempstead. My view is strengthened by the conclusions of the EIP Panel. Paragraph 9.24 of their report states that “*In the case of Napsbury and Hemel Hempstead, the Panel’s view is that it would require exceptionally strong justification to take more land out of the Green Belt than can be justified on present reckoning given the heavily developed character of this sub-region of the county and the vulnerable nature of the Green Belt there*”.

7.5.24. I accept that the panel went on to conclude in paragraph 9.26 that it could be sensible when making a boundary change to go for a new clearly defined boundary which allowed an element of leeway to meet needs accruing after the end of the Plan period. However, this referred to boundary changes made under Policies 6 and 7 of the SPR rather than Policy 8. In any case, it was intended, in my view, to refer to the definition

<sup>40</sup> Monitoring Provision of Housing through the Planning System – Towards Better Practice DTLR October 2000

of the boundary of sites for which exceptional circumstances for their release had already been established. I am not satisfied, therefore, that this advice applies to any of the sites listed in Part III of the Housing Schedule.

- 7.5.25. I appreciate that H54 would be an extension to an adjacent area of land, which is allocated for development during the Plan period. However, in the light of my earlier conclusions in Chapter 4 and my recommendation in paragraph 7.33.98 that the site at West Hemel Hempstead be considered for deletion in its entirety, I believe its retention as a Phase III site is unjustified. Even had I found that its retention as safeguarded land was warranted in the light of Policy 5 of the SPR I do not consider that this would be sufficient to merit its identification as a Housing Proposal Site at this stage.
- 7.5.26. In addition, I consider that the modifications I have recommended to Policy 17, especially the reduced allowance for unidentified sites, should ensure that sufficient housing land will come forward during the Plan period to meet the Structure Plan requirement. In my view, these modifications would remove the need to rely on a housing land reserve. If further land is required from the Green Belt to meet housing needs after 2011 I consider that this would need to be addressed by a further fundamental appraisal as part of the next Structure Plan review. It may well be, as the EIP panel suggests, that if substantial further needs arise in Dacorum after the end of the Plan period the solution might well have to lie elsewhere. In the circumstances, I consider that it is unnecessary for Policy 18 to refer to Part III sites. I recommend that Policy 18 and its background text should be modified by deleting any reference to Part III of the Schedule of Housing Proposal Sites.

**(j) *The role of the reserved sites***

- 7.5.27. In the light of my conclusions on the previous issue I see no need to amend the wording of the Schedule of Housing Proposal Sites in relation to the Part III sites. I, therefore, recommend that no modification be made to the Plan in response to this aspect of objection 3993. However, if the Council were to reject my recommendations in respect of the Part III sites, I consider that the wording of the Schedule would need to be modified to indicate that these sites could be developed during the Plan period.

Controlling the supply of unidentified sites

**(k) *Clarity of policy***

- 7.5.28. Although unidentified sites cannot be predicted, in my view this does not mean that their contribution to the housing land supply cannot be managed to some degree. Policy 18 states that such control will only be exercised in respect of larger sites over 1 hectare when there is a substantial oversupply of housing land. It also makes plain that control will be relaxed when the development of the site is either for affordable housing or would involve a satisfactory form of urban regeneration.
- 7.5.29. It is apparent, therefore, that the only unidentified sites that are likely to be held back under the terms of Policy 18 are large greenfield sites. However, while I consider such an approach is relatively clear and would not result in the arbitrary holding back of planning permission I am doubtful that it fully accords with current national advice, which has changed radically since the 1993 and 1994 Inquiries. In particular, I am concerned that allowing smaller unidentified greenfield sites to come forward could

lead to such sites being developed in advance of previously-developed land. It could also jeopardise the Council’s ability to meet the Government’s recycling target. In my view this would conflict with the aims of PPG3. In addition, I have some doubts about whether it is sufficiently obvious from the wording of the policy as to what would actually be considered to constitute a satisfactory form of urban regeneration.

- 7.5.30. I appreciate there may be cases where an unidentified greenfield site may prove to be more sustainable than a greenfield site that has already been identified. However, this can only realistically be assessed at the time. In my view, the clarity of Policy 18 would be significantly improved if it simply stated that unidentified sites on previously developed land within the urban area would normally be released for development but that other sites would be held back unless they were required to ensure a 5-year supply of housing land. In my opinion the only reasonable exception to this would be if the site were to be used entirely for affordable housing and was required to meet the Council’s target for affordable housing. I recommend, therefore, that the Policy be modified accordingly in answer to objections 591 and 4092.

**(l) *The release of unidentified sites***

- 7.5.31. Most unidentified sites are likely to involve the reuse of land or the conversion of existing buildings. In the light of the Government’s presumption that previously developed land should be developed before greenfield sites I can see no justification for only allowing the release of such sites in exceptional circumstances.

- 7.5.32. While I can understand the objector’s desire for development to be planned, it is unlikely that all suitable sites would be identifiable at the commencement of the Plan period, even if a full capacity study had been undertaken. It seems reasonable to assume therefore that some additional sites will come forward. Such sites could make a significant contribution to meeting the housing requirement. They could also help to reduce the need to build on greenfield land. In the circumstances, I consider it is reasonable for the Policy to state that unidentified sites will normally be released.

- 7.5.33. Other policies of the Plan, such as Policy 9, would, in my opinion, be sufficient to ensure that the reuse of urban land does not lead to unacceptable cramming. I recommend, therefore, that no modification be made to Policy 18 in the light of this part of objection 5071.

**(m) *Improved community facilities***

- 7.5.34. Although the provision of improved community facilities may in exceptional circumstances justify bringing forward a greenfield site for earlier development I am not satisfied that it would be appropriate in all circumstances. I note that the County Council is promoting the development of new school buildings in several locations, substantially funded from the disposal of unsuitable buildings. However, in the majority of cases the redevelopment or conversion of such buildings would involve the reuse of previously developed land. As such they would normally be acceptable under the terms of Policy 18 as it is currently worded.

- 7.5.35. Where the redevelopment of such buildings involved the loss of greenfield land it would depend on the particular circumstances of each case as to whether the scheme was acceptable in planning terms. The benefits of improved community facilities

would have to be carefully weighed against the loss of greenfield land. In my view this would be best assessed at the time a planning application was received. I do not consider that it would be appropriate to amend Policy 18 or its background text in order to allow such sites to be released as a matter of course.

- 7.5.36. I note the suggestion that the definition of what constitutes a satisfactory form of urban regeneration needs to be clarified. In my view this is not necessarily as simple a judgement as the Council maintain. However, if Policy 18 is modified as I have suggested in paragraph 7.5.30 this potential source of confusion would be removed. I see no need for any further amendment. I, therefore, recommend that no modification be made to the Policy in respect of this aspect of objection 3993.

### The oversupply of housing

#### **(n) *Is an oversupply justified***

- 7.5.37. In the light of the advice in PPG3 that the Plan should only provide for sufficient land to meet the specified housing requirement, I accept that it would be inappropriate for the Plan to include a policy that specifically encouraged the requirement to be exceeded. Certainly there would be no justification in my view for phasing development in such a way that a considerable oversupply of housing would have to occur before greenfield sites were held back. However, in view of the long lead in times on larger sites and the other constraints that exist, I accept that it may be appropriate to allow for a small oversupply to arise. I deal with the extent of such an oversupply under issue (o) below.

#### **(o) *The definition of a “substantial oversupply”***

- 7.5.38. Tring Environmental Forum argues that the term “substantial oversupply” is not defined. However, the last paragraph of the Policy states that it will be judged with regard to development activity and dwelling completion rates and will be a minimum eight year supply. In my view, this definition is sufficiently intelligible since it is based on a specified time period. The reference to development activity and dwelling completion rates ensures that it retains the necessary flexibility to enable the Council to take into account other relevant factors in considering whether to hold back the release of sites.
- 7.5.39. I am rather more concerned about whether it is still appropriate to use eight years as the base line for assessing whether an oversupply is substantial. The CPRE maintains that 5 years would be a more appropriate period. HCC recommends the period be reduced to 6 years. DBC, however, argue that 7 years would be at the edge of workability and that they would therefore prefer to retain the current definition.
- 7.5.40. Although PPG3 refers to identifying sufficient sites for the first five years of the Plan, I do not consider that this means that this period would be the most appropriate basis for assessing whether the extent of any oversupply is sufficient to justify holding back the release of additional sites. In my view such a period would be unduly tight and would not allow the necessary leeway to take account of lead-in times and other related factors.

- 7.5.41. I have no doubt, however, that a period of eight years is excessive in the light of changes in national housing policy. Potentially in this case it could allow around 1,050 additional dwellings, almost 15% of the total district allocation, to be developed before greenfield sites in Part II were held back. In order for the “plan, monitor and manage” approach to work I believe a much more responsive attitude is required to managing housing land supply, particularly if the Government’s objective of minimising the use of greenfield land is to be met.
- 7.5.42. Although DBC argue that 7 years is the minimum workable period they have presented little evidence to support this. HCC clearly believes a six-year period to be practical. I have no doubt that the County has considerable experience in such matters. I find no reason, therefore, to disbelieve their assertion. I appreciate that this period may require DBC to adopt more responsive monitoring procedures but I have no reason to believe this would not be achievable. Although a one-year excess would only amount to 5% of the total housing allocation, it could potentially involve the development of an additional 11 hectares of land<sup>41</sup>, some of which may well be greenfield. In the circumstances, I consider that allowing an oversupply in excess of this could seriously undermine the Government’s aim of ensuring that in the future priority is given to the reuse of urban land before greenfield sites are considered for development.
- 7.5.43. In conclusion, therefore, I consider that in the light of the changes in national housing policy, it would be more appropriate to define a substantial oversupply in terms of a minimum six-year supply based on the Structure Plan requirement. I, therefore, recommend that Policy 18 be modified accordingly.

#### Control over Part II sites

##### **(p) *The early release of Part II sites***

- 7.5.44. As I have already indicated in paragraph 7.5.19 I consider that Policy 18 would be significantly improved if it was amended to make clear that Part II sites could be released earlier if required to ensure a five year supply of housing land. I note the Council’s contention that the policy already does this but in my view this is not clear from the current wording. I therefore recommend that the policy be modified to allow for Part II sites to be released before 2006 in certain circumstances. I am satisfied that this modification would meet this aspect of objection 1523.

#### Control over Part III sites

*Note: Although I have recommended that all references to Part III sites should be deleted, I set out my conclusions on the objections to the wording of this part of Policy 18 to assist the Council should they determine not to accept this recommendation.*

##### **(q) *The robustness of the criteria***

- 7.5.45. I have serious concerns about the robustness of the criteria for assessing whether Part III sites should be released before 2011. In my view only the first criterion would be likely, by itself, to constitute sufficient justification for the release of such sites.

<sup>41</sup> Based on a gross density of 30 dwellings per hectare.

**(r)      *The need for affordable housing***

- 7.5.46. Although the provision of affordable housing is a material planning consideration, PPG3 indicates that it would normally only be appropriate to make an exception to housing policies for this purpose within rural areas. Affordable housing in the urban areas is expected to be provided on identified sites. In my view the only justification for providing affordable housing on sites not allocated for development during the Plan period would be if the amount of affordable housing on identified sites were to fall substantially below the target set in the Plan. In my view this could only be reasonably assessed at the time that an application was made. I am not satisfied, therefore, that including a blanket requirement for affordable housing on such sites would accord with current Government policy.
- 7.5.47. In addition, although the Council states that Part III sites would only be released for affordable housing if the entire site was used for this purpose, this is not obvious from the present wording. In my view it could easily be argued that using part of the site for affordable housing would sufficient to comply with criterion (ii). Clearly this is not what the Council intended. I consider, therefore, that if Part III of the Housing Schedule is retained in the Plan this criterion should be deleted.
- 7.5.48. In reaching this conclusion I have taken account of the 1994 Inspector’s findings on this issue. However, in the light of the significant changes in national housing policy, I consider it is no longer appropriate for greenfield sites identified for implementation beyond the Plan period to be released early solely on the ground that the site would be used for affordable housing.

**(s)      *“Overriding planning advantages”***

- 7.5.49. I consider the reference to “overriding planning advantages” to be unacceptably ambiguous. In my view no one reading the policy would have a clear idea of what this would entail. I am concerned therefore that it would be open to abuse. Policy 16 of the adopted Plan refers instead to conditions set out in the schedule relating to the release of particular site being met. In my view this is far more specific. However, even if the criterion in Policy 18 were reworded along these lines, I am not satisfied that it would be sufficient in the current circumstances to justify the early release of a greenfield site, bearing in mind the recent changes in national policy. I therefore consider that this criterion should also be deleted if the Council decide to retain Part III of the Housing Schedule in the Plan. This would not prevent the Council granting permission for a reserved site if they were satisfied that other material considerations existed of sufficient weight to justify a departure from the Development Plan.

Individual sites

**(t)      *Are they all “greenfield” sites***

- 7.5.50. I have no doubt that the majority of sites in Parts II and III are greenfield sites. However, the County Council Corporate Services Department argue that the site at Durrants Lane/Shootersway (H52) constitutes a brownfield site. They therefore contend that it should be allocated for development at an earlier stage.

- 7.5.51. Since there are school buildings on this land some of the site clearly constitutes previously developed land as defined in Annex C of PPG3. I would question, however, whether this includes the school playing fields. The playing fields cover more than 50% of the land that is used by Egerton-Rothesay School. They are divided from the buildings by a line of mature trees. It also appears that they are in separate ownership. I doubt, therefore, as a matter of fact and degree they can be said to form part of the curtilage of the school buildings.
- 7.5.52. Even if they did, Annex C makes clear that this does not automatically mean that such land should be redeveloped. More importantly, in this case, the redevelopment of the site would almost certainly involve the relocation of the school buildings onto adjoining greenfield land. In these circumstances, I consider it is reasonable for the Council to treat H52 as a greenfield site for the purposes of Policy 18. I conclude that it is appropriate to describe all the sites in Parts II and III as greenfield sites and I recommend no modification be made to the Plan in this regard.

**(u) *The allocation of specific sites***

- 7.5.53. In the light of my findings in respect of Policy 17 and the total housing requirement I see no need for the sites at Lock Field, Northchurch (H53), Rectory Farm, Kings Langley (H55) or West Hemel Hempstead Phase III (H54) to be developed during the Plan period. In my view none of these sites are better in sustainability terms than any of the other housing sites in Parts I or II of the Schedule. I consider, therefore, that their allocation to Phase III is reasonable. However, in the light of my conclusions in paragraphs 7.4.155 to 7.4.159 and 7.5.22 to 7.5.26 regarding the appropriateness of having a housing land reserve I believe these sites should be omitted from the Plan.
- 7.5.54. In contrast, I find that the site at Durrants Lane/Shootersway, Berkhamsted (H52) should be developed in the latter part of the Plan period for the reasons I outline in paragraphs 7.4.161-62. I accept, therefore, that its allocation to Phase III is not appropriate. In the circumstances, I recommend that the Plan be modified by moving H52 into Part II of the Housing Schedule and deleting the remaining Part III sites.

Other matters

**(v) *Consistency with other Plans***

- 7.5.55. The County Council suggests that Policy 18 of the DBLP should follow a similar approach to that which it has previously recommended in respect of the Three Rivers District and Hertsmere Borough Councils’ local plans. However, while I fully endorse the need for consistency, where this is practical, PPG3 makes clear that it is for each Council to determine the form of their phasing policies. Providing that Policy 18 complies with the advice in the good practice guide<sup>39</sup>, I see no need for it to be entirely consistent with that of neighbouring districts, particularly as the housing needs of each district are likely to be different.
- 7.5.56. Having said this I consider that it would be sensible for a similar approach to be adopted in respect of the measurement of housing oversupply across the County. This reinforces my view that the Policy should seek to define this as a minimum six-year supply. Apart from this change, I recommend that no other modification be made to the Plan in the light of objection 4909.

**(w) The reuse of rundown and derelict sites**

7.5.57. Although Policy 18 does not specifically state that preference will be given to the reuse of rundown or derelict sites, it is clear from the Housing Schedule that the Council’s allocation of sites to different phases does seek to give priority to the redevelopment of brownfield sites. It is also clear that the development of further unidentified sites on such land within the urban area would not be held back and that greenfield sites would not be released if sufficient additional sites come forward to ensure that there is at least a six year supply of housing. I am satisfied therefore that Policy 18 together with other policies of the Plan would give sufficient support to the reuse of rundown and derelict sites and that no modification is necessary.

**(x) Showing Phases on the Proposals Map**

7.5.58. While it is not essential for the different phases of housing development to be shown on the Proposals Map, I consider that it would be helpful. It would certainly assist in highlighting the phased approach to housing provision. As such I consider that a minor amendment to the Proposals Map to physically distinguish Part I and Part II housing sites would improve the Plan. Consequently, I recommend that the Proposals Maps be modified accordingly.

**Recommendation**

7.5.59. **The Plan be modified as follows:-**

**(a) Policy 18 be altered to read:-**

**POLICY 18 CONTROL OVER HOUSING LAND SUPPLY**

**The availability of housing land will be monitored and controlled to ensure that:**

- i). a minimum five year supply of housing land based on the county structure plan requirement is maintained;**
- ii). there is no substantial oversupply in relation to this requirement;**
- iii). a steady supply of new affordable housing can be achieved;**
- iv). new infrastructure provision is co-ordinated with new housing development;**
- v). the recycling target for the reuse of previously developed land can be met; and**
- vi). development opportunities continue after the plan period;**

**Control will be applied by:**

- i). phasing the development of identified sites; and**
- ii). managing the supply of unidentified sites.**

**Sites listed in Part I of the Schedule of Housing Proposals Sites will be released for development from the commencement of the Plan period unless a substantial oversupply of housing arises.**

Sites listed in Part II of the Schedule of Housing Proposal Sites will normally be released for development after April 2006 provided there is no substantial oversupply of housing. Part II sites will only be released before this date if it can be demonstrated that this would be necessary to ensure a 5-year supply of housing land.

Unidentified sites on previously developed land within the urban area will be released for development provided that they comply with other policies in the Plan. However, other unidentified sites will normally be held back unless required to ensure a 5-year supply of housing land.

This particular restraint may be relaxed where the site is to be used entirely for affordable housing if it can be demonstrated that the target for the provision of affordable housing set out in Policy 21 would be unlikely to be met without the development taking place.

A substantial oversupply will be judged having regard to development activity and dwelling completion rates and will be a minimum six year supply based on the structure plan housing requirement.

- (b) the following smaller greenfield sites be moved from Part I to Part II of the Schedule of Housing Proposal Sites:-

- H1 New Lodge, Bank Mill Lane, Berkhamsted
- H16 Buncefield Lane/Green Lane, Leverstock Green
- H26 Land rear of Ninian Road
- H28 Paradise Fields, Hemel Hempstead
- H32 Land at Redbourn Road
- H43 Land r/o Watford Road, Kings Langley

- (c) paragraph 7.32 be revised to make clear that priority has been given to the reuse of previously developed land in accordance with the advice in PPG3 and to explain why it has been necessary to include some greenfield sites in Part I of the Schedule of Housing Proposal Sites.
- (d) all references to Part III of the Schedule of Housing Proposal Sites be deleted from the background text.
- (e) move the site at Durrants Lane/Shootersway, Berkhamsted (H52) from Part III to Part II of the Schedule of Housing Proposal Sites and delete the remaining sites in Part III.
- (f) the Proposals Map be amended to distinguish sites in Part I of the Schedule of Housing Proposal Sites from sites in Part II.

## 7.6. POLICY 19 : THE SIZE OF NEW DWELLINGS

### Objections

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
592	The House Builders Federation	3798	Mr & Mrs M Tomlinson
1280	CPRE - The Hertfordshire Society	3813	Mr & Mrs P H Gee
1746	Berkhamsted Town Council	3823	Mr D Chandler
3239	Community Development Agency for Hertfordshire	3843	Mr P Block
3708	Silvermere Developments	4320	Mrs A J Nobbs
3731	Old Road Securities plc	5072	Tring Environmental Forum
3789	Mrs S Gregory		

### Supports

4936 L English Nature

### **Key Issues**

- (a) Do the needs of small households in Dacorum justify a specific policy requirement for 1 or 2 bedroom units. (592)
- (b) Should the provision of smaller dwellings be taken into greater account in the calculation of site capacities. (1280)
- (c) Whether the policy should include reference to live/work or tele-working units and ‘lifetime homes’. (1746, 3813, 3239)
- (d) Should an additional criterion be added to make clear that in rural areas housing needs surveys or village appraisals will be used to determine the appropriate number of 1 and 2 bedroom dwellings for each development. (3239)
- (e) Does the policy take full account of demographic housing needs. Should greater attention be paid to the needs of particular locations and of different client groups e.g. over 55s. (3708, 3731, 3789, 3798, 3813, 3823, 4320, 5072)
- (f) Whether there should be no net increase in the number of 4+ bedroom houses in the Borough. (3843)

### **Inspector’s Conclusions**

#### **(a) *The needs of small households***

- 7.6.1. PPG3 (CD3A) states that in formulating plans local authorities should seek to secure an appropriate mix of dwelling size, type and affordability to meet the changing composition of households in their area. However, it makes clear that this should be based on likely assessed need. Policy H4ii of RPG9 also states that development plans should set out clearly the mix of dwelling types and sizes that would reasonably be expected in different locations of the authority’s area against which development proposals can be assessed.
- 7.6.2. The projections undertaken by the County Council as part of the Structure Plan review process indicated that the increase in households within Hertfordshire between 1991 and 2011 was likely to be nearly 18%. The 1997 mid term population survey endorsed these findings. It also showed an increase of around 23% in single parent households and 25% in single households.

- 7.6.3. The Borough Council predicts that in Dacorum the increase in the number of households will be some 20.6% during the Plan period<sup>42</sup>. I have no doubt, based on these projections, on the changing population structure within the County, and on the trends elsewhere in the south-east, that there will be a significant increase in smaller households during the Plan period. In the circumstances, I believe it is reasonable for the Plan to make provision for the likely change in household composition in the area.
- 7.6.4. I note the objector’s suggestion that the policy should be founded on a much more sophisticated analysis. However, while such an analysis would undoubtedly be useful I find no evidence to suggest that it would show the situation in Dacorum to be notably different to the rest of the south-east (ROSE). More importantly, the time required to undertake such a detailed analysis could substantially delay the adoption of the Plan without gaining any consequent benefit. I am not satisfied therefore that such an analysis is essential at this stage to justify the inclusion of Policy 19 in the Plan or the requirement to provide some 1 and 2 bedroom dwellings.
- 7.6.5. I appreciate that not all small households will require smaller dwellings. However, in my view many will. Although the study submitted by the objector<sup>43</sup> suggests that one-bedroom properties are not the choice of the majority of one-person households, this does not mean that there will be no demand for such properties. Even if it is not their first choice it may be all some single householders can afford.
- 7.6.6. In any case, Policy 19 does not seek to set a specific threshold for 1 or 2 bedroom units. It merely states that units will be sought for those small households needing 1 or 2 bedrooms through appropriate conversions or by requiring some 1 or 2 bedroom units on larger housing sites of over 2 hectares or 50 dwellings. In my view this is an entirely reasonable approach in the light of the advice in paragraph 11 of PPG3. I, therefore, recommend that no modification be made to Policy 19 in the light of objection 592.

**(b) *The impact on site capacities***<sup>44</sup>

- 7.6.7. The background to Policy 19 clearly indicates that the provision of small units of accommodation will be encouraged, especially elderly persons flats. I am satisfied, therefore, that the Policy accords with the main aims of the objector. I appreciate that an increase in smaller dwellings could lead to an increased density of development. Even if it did not, the advice in paragraph 58 of PPG3 is, in my opinion, likely to lead to higher densities of residential development than has occurred in recent years. However, I cannot see how this warrants any change to Policy 19. I, therefore, recommend no modification to the Plan in response to objection 1280.

**(c) *Live/work units and “life-time” homes***

- 7.6.8. There is no doubt that live-work/tele-working units are becoming more popular. Indeed the Council accepts that they would be suitable in urban locations. In my view they would be equally sustainable in both the large and small selected villages covered

<sup>42</sup> See Table 3 nil net migration controlled projection on page 48 of Housing Technical Report (CD57)

<sup>43</sup> “Home Alone – The Housing Preferences of One Person Households” Housing Research Foundation

<sup>44</sup> This issue is addressed more fully in paragraphs 7.9.3 and 7.9.4 of my report in response to this objector’s representation (1283) in respect of Policy 22.

by Policies 2 and 6 since they are likely to minimise the need to travel. They may also be appropriate in Policy 4 villages where there is a clear local need.

- 7.6.9. Similarly I believe the provision of a number of ‘lifetime’ homes during the Plan period would accord with the Plan’s sustainable strategy. I note the Council’s suggestion that applications for such dwellings would be considered favourably in the right circumstances, but I do not accept that this makes any reference to such dwellings in Policy 19 unnecessary. In my view the Council should indicate much more clearly its support for the provision of such dwellings, in the light of the framework for sustainable development set out in the Structure Plan and the advice in PPG3 and RPG9 (*see paragraph 7.6.22 below*).
- 7.6.10. I, therefore, recommend that, in response to objections 1746, 3813 and 3239, Policy 19 should be modified to require an appropriate proportion of the new dwellings built on larger housing sites to be provided as “life-time” homes. It should also indicate that the provision of live-work units may be required in appropriate locations. The supporting text will also need to be modified to clarify what is meant by “life-time” homes and “live-work” units and to give a general indication of the locations that the Council are likely to consider appropriate for the latter.
- 7.6.11. In considering these objections I have noted the comments made in O/3813/1 in respect of the need to consider converting or constructing buildings for video conferencing facilities in larger villages. However, I fail to see how this is related to the issue of dwelling size. In any case, I consider that the existing policies of the Plan are adequate to address this need should it arise.

**(d) Rural housing needs**

- 7.6.12. Judging from the representations made by Chipperfield Parish Council in relation to their objection (134) to Policy 23 there is some circumstantial evidence that the number of small dwellings within at least one rural parish is declining. I appreciate that Policy 26 allows for affordable housing to be provided in rural areas on sites not considered appropriate for general housing where it meets certain criteria. However, in my view, it would be unreasonable to seek to rely largely on sites outside existing settlement boundaries to meet the need for smaller dwellings within the rural area.
- 7.6.13. None of the allocated housing sites within any of the large or small villages exceed 2 hectares or 50 dwellings in size, except for the site at Rectory Farm, Kings Langley (H55), which the Council propose to delete. Policy 19, therefore, would not enable the Council to require the provision of smaller dwellings within existing villages, except in relation to conversions of which there are relatively few.
- 7.6.14. Since there is some evidence of a need for smaller dwellings in the rural area, I believe it would be appropriate for Policy 19 to include an additional criterion relating to the provision of 1 and 2 bedroom units on smaller housing sites in the rural area. In my opinion, this should be limited to situations where a clear need has been demonstrated through a recent housing needs survey or village appraisal. Supporting text would also be needed to clarify what would constitute a recent survey. I consider 5 years should be the maximum acceptable period for a survey to qualify as recent. Over a longer period than this housing needs may change significantly.

7.6.15. Accordingly, I recommend that Plan be modified by the insertion of an additional criterion in Policy 19 to make provision for some smaller dwellings within the rural area and by the inclusion of additional supporting text in the light of objection 3239. In reaching this conclusion, I have taken account of the suggested wording put forward by the objector. However, although this wording contains the thrust of what I believe is required, I am not satisfied that its format would sit well with the previous criteria. I have therefore recommended a slightly different wording.

**(e) Demographic needs**

7.6.16. Except in so far as it relates to rural housing needs, I consider the wording of Policy 19 is sufficiently flexible to address the needs of different locations within the main urban areas. My view is strengthened by criterion (c), which indicates that the density and character of development will be considered in the context of the area in which it is located. There is no evidence that the need for certain house types or sizes varies significantly within the three towns. I see no need therefore to modify the policy to take account of the needs of specific locations despite the advice in RPG9.

7.6.17. I am rather more concerned about the needs of special groups. Paragraph 11 of PPG3 states plans should be formulated to encourage the provision of housing to meet the needs of specific groups. Paragraph 13 makes clear that this includes the elderly, students and young single people, rough sleepers, the homeless and those who need hostel accommodation, key workers, travellers and occupiers of mobile homes and houseboats. It is apparent from the earlier part of this sentence that this requirement is in addition to the need to make provision for affordable housing.

7.6.18. Apart from a policy on residential moorings, which is contained in the Environment section of the Plan, there is no evidence that any of the existing policies are directed at meeting the needs of the special groups listed above. For instance Policy 27, which deals with caravans and residential moorings, merely states that proposals for this type of accommodation will be treated the same as other residential buildings.

7.6.19. The 1999 Dacorum Housing Needs Survey (CD82), which was undertaken by Fordham Research Limited on behalf of the Borough Council, did look at those in special need. However, this appears to have been largely limited to the frail elderly, disabled people, persons with a mental health problem, vulnerable young people and persons with impaired sight or hearing. There is no evidence that the Council has undertaken any research to assess the needs of any of the other groups mentioned in paragraph 13 of PPG3.

7.6.20. I appreciate that criterion (d) of Policy 19 indicates that regard will be had to the client group for whom the dwellings are intended, which gives the policy a degree of flexibility. This would be further reinforced by FC73, which seeks to include a reference to those who have special needs in the supporting text. However, I am not satisfied that this is sufficient to meet the aims of PPG3. Although paragraph 7.45 of the Composite Plan states that housing must be provided to suit the requirements of households which have particular difficulties it is not clear how the Council expects this objective to be met.

7.6.21. In the absence of any clear evidence of the extent of need of specific groups, I do not consider it would be appropriate to recommend that Policy 19 be modified at this stage

to cover the needs of all these groups. Nevertheless, I believe that, in the light of the advice in paragraph 11 of PPG3 and Policy 11 of the SPR, the Council needs to undertake further research into the local needs of the groups listed in paragraph 13 of PPG3. If that research indicates that any of these groups have identifiable local housing needs then serious consideration should be given to including additional policy/policies to address this.

- 7.6.22. In my view it would also be appropriate for Policy 19 to address more specifically the needs of those people who were identified in section E of the Housing Needs Survey (CD82). In particular, I believe it would be reasonable for the Council to insist that a proportion of new homes on large housing sites are designed so as to be readily accessible and usable by people with disabilities or adaptable for such purposes at minimal cost (i.e. “life-time” homes). Since 11% of the households in the Borough include one or more special needs members, I consider it would be entirely equitable to require at least 10% of all new homes on larger housing sites to be suitable for occupation by either the disabled or the frail elderly.
- 7.6.23. In conclusion, I recommend that the Council undertakes research into the housing needs of specific groups, particularly the elderly, students and young single people, rough sleepers, the homeless and those who need hostel accommodation, key workers, travellers and occupiers of mobile homes and houseboats. Serious consideration should be given to the inclusion of additional policy/policies in the adopted Plan to meet any needs that are identified by this research. In addition, I recommend that Policy 19 be modified to require that at least 10% of all new houses on large housing sites are designed so as to be accessible and readily adaptable to the needs of disabled or elderly people. The exact standards required for such homes could in my view be set down in more detail in supplementary guidance.
- 7.6.24. In reaching this conclusion, I have noted Mrs Nobbs’ (4320) concern that there is a danger the community will reflect an elite microcosm rather than a rich variety across the spectrum of society. However, I am satisfied that subject to the proposed modifications, Policy 19, together with the other policies of the Plan, will provide for a mixed and diverse community in accordance with the aims of PPG3.

**(f) 4-bedroomed houses**

- 7.6.25. I have already addressed this issue in paragraph 7.2.53 of my report. For the reasons I set out there I do not consider it would be appropriate for the Plan to seek to prevent the development of any further 4-bedroomed dwellings. Consequently, I find no need for Policy 19 to be modified in response to objection 3843.

**Recommendation**

7.6.26. **The Plan be modified as follows:-**

**(a) Policy 19 be amended by the addition of the following wording:-**

**“(iii) by requiring the provision of some 1 and 2 bedroom units on smaller housing sites within those settlements listed in Policies 2, 4 and 6, where**

there is clear evidence of a need for such units, as identified by a recent housing needs assessment or village appraisal.

At least 10% of all dwellings on larger housing sites (i.e. sites of more than 25 dwellings) shall be designed as “life-time” homes (i.e. they shall be readily accessible and usable by a disabled/elderly person or capable of adaptation for such use at minimal cost).

Developers may also be required to make provision for some live-work units in appropriate locations.”

(b) additional text be added to paragraph 7.44 as follows:-

“In order to ensure that the smaller settlements in the Borough continue to support a mixed and diverse community some small dwelling units may also be required on smaller housing sites within these settlements. In determining whether a site is suitable for such units, and the level of provision that would be appropriate, account will be taken of any housing needs assessment or village appraisal which has been completed in the 5 years prior to the submission of an application for planning permission.”

(c) an additional paragraph be inserted within the reasons to include the following:-

- (i) A definition of “life-time” homes and “live-work units”;
- (ii) The type of location where the provision of live-work units will be expected;
- (iii) The reasons why the council considers a requirement for both “life-time” homes and live-work units is appropriate.

7.6.27. In addition, I recommend that the Council undertake an assessment of the local level of housing need for the specific groups referred to in paragraph 13 of PPG3. If this research identifies that any of these groups has a significant housing need that is unlikely to be met during the Plan period then serious consideration should be given to including additional policies within the adopted Plan to address this.

## 7.7. POLICY 20 : CONVERSIONS

### Objections

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
1057*	Ministry of Agriculture, Fisheries & Food	2971	English Heritage
1237	The Chiltern Society	3745	Government Office for East of England
1238	The Chiltern Society	4937 L*	English Nature
1281*	CPRE - The Hertfordshire Society	5073	Tring Environmental Forum
1747	Berkhamsted Town Council	5074	Tring Environmental Forum
2970	English Heritage		

### Supports for pre-inquiry changes

For pre-inquiry change 25			
5248 PC	English Nature	5400 PC	CPRE – The Hertfordshire Society
For pre-inquiry change 26			
5401 PC	CPRE – The Hertfordshire Society		

## Key Issues

- (a) Should ‘proposition’ in criterion (a) be ‘proportion’. (1281, 3745, 4937L)
- (b) Is the figure of 10% for conversions in a street appropriate (1238, 5073)
- (c) Whether it is appropriate for the Policy to refer to the re-use of redundant buildings in the countryside. (1057, 3745)
- (d) Whether the parking requirements should be eased. (1237, 5074)
- (e) Whether developers should be encouraged to choose the option of conversion. (1747)
- (f) Should a further criterion be added to cover the conversion of listed buildings. (2970)
- (g) Does the Policy need to make clear that a mix of units within a building is desirable. (2971)

## Inspector’s Conclusions

### (a) *‘Proposition’ or ‘Proportion’*

7.7.1. The Council accepts that the word “proposition” in criterion (a) is a typographical error and that it should have been ‘proportion’. They therefore propose under PIC25 to amend this error. As this would address these objections I endorse this change. Accordingly, I recommend that the Plan be modified in accordance with PIC25.

### (b) *The number of converted properties in a street*

7.7.2. The number of conversions of dwellings to flats within Dacorum appears to have been quite low in the past. However, with the Government’s increasing encouragement to make best use of urban land this situation could change. Indeed, I believe such conversions could form an important resource in meeting the target of 60% of all new dwellings being located on brownfield land.

7.7.3. I appreciate that the figure of 10% in paragraph 7.50 of the Plan is only a guideline and that there are many factors that will need to be taken into account in considering the impact of each individual conversion. However, a figure of 10% does seem extremely low. I doubt that it could reasonably be argued to constitute a significant proportion of the houses as specified in criterion (a). In my view many streets in the Borough could take a significantly higher proportion of conversions without detriment to the character of the street or the amenity of neighbouring occupiers.

7.7.4. However, I do not accept the suggestion of Tring Environmental Forum that there is no need for criterion (a). In my view the other clauses of the policy do not cover all the issues that need to be taken into account. Even where issues such as noise and parking congestion can be satisfactorily resolved the conversion of a large number of houses can still have an unacceptable impact on the character due to such factors as increased activity and reduced levels of maintenance of common areas. I consider that it is not unreasonable therefore to seek to limit the number of conversions in any one street.

7.7.5. In these circumstances, I agree that a definition of what would constitute a “significant proportion” of houses is necessary. While this could be defined by listing the type of changes in the character of the area that the Council seek to avoid, I agree that a

guideline figure is useful in providing a consistent base line across the Borough. However, I consider that the guideline figure should be increased to at least 25% and that the Council should also identify in the background text the effects that criterion (a) is seeking to avoid. I, therefore, recommend that in response to objections 1238 and 5073 that the Plan be modified by amending paragraph 7.50 of the background text to increase the guideline figure for the proportion of houses in a street to 25% and to explain the aims of criterion (a) more fully.

**(c) Buildings in the countryside**

- 7.7.6. The Council accepts that it is no longer appropriate to restrict conversions to redundant buildings, in the light of the advice in PPG7. Consequently, PIC26 seeks to delete the word ‘redundant’ from the policy. I am satisfied that this would address the objections and I recommend that the Plan be modified accordingly.

**(d) Parking requirements**

- 7.7.7. Criterion (vi) does not seek to prevent all front garden parking. It merely states that prominent front garden parking that spoils the street-scene will not be acceptable. I find no reason, therefore, to believe that the Council would reject all front garden parking. Where there is sufficient space to undertake appropriate screening it is unlikely that such parking would spoil the street-scene. However, in other cases extensive areas of hard surfacing at the front of a property can detract significantly from the street-scene. In the circumstances, I believe criterion (vi) serves a useful planning purpose. I see no need to modify the reference to front garden parking.
- 7.7.8. I am rather more concerned about the requirement that all flats should be provided with convenient off-street parking. In my view this does not take full account of the latest guidance in PPG13 which suggests that developers should not be required to provide more car parking than they themselves want, other than in exceptional circumstances. Similar advice is contained in paragraph 60 of PPG3. I consider, therefore, that it is not appropriate to include a blanket requirement for off-street parking within Policy 20.
- 7.7.9. I acknowledge that the policy has to be read together with Policy 59, which does allow exceptionally for parking provision to be omitted or reduced for conversions in close proximity to facilities, services and passenger transport. However, this strategy approaches the situation from the opposite direction to PPG13, as it only allows for a lower level of parking provision in exceptional circumstances. I have therefore recommended that Policy 59 should be modified to remove this reference. (*see paragraphs 10.11.13-14*)
- 7.7.10. The Council proposes under FC184 to amend the parking standards in Part 5, in accordance with the County Council’s revised standards (*see my comments in paragraphs 20.7.5-7*). However, the standards for residential development proposed in FC184 significantly exceed the maximum provision of 1.5 spaces per dwelling outlined in paragraph 62 of PPG3. This paragraph clearly states that policies that would result in higher levels of off-street parking should not be adopted. This reinforces my view that the wording of criterion (vi) is at odds with current national policy. I conclude, therefore, that Policy 20 needs to be amended to ensure that any

parking provision is kept to the minimum necessary to avoid harm to the free-flow of traffic along adjacent roads.

- 7.7.11. In the light of my recommendation in paragraph 1.1.51 it will also be necessary to delete the reference to the guidelines in Part 5 and substitute instead a reference to the relevant appendix within which the adopted parking standards are contained. Accordingly, I recommend that the Plan be modified in answer to objections 1237 and 5074 by amending the wording of criterion (vi) so as to make clear that a lower parking standard will be appropriate in highly accessible locations.

**(e) Encouragement for conversions**

- 7.7.12. Policy 19 already encourages the development of a range of dwellings in size and type and states that small dwellings will be sought through appropriate conversions. I am satisfied that this would give adequate encouragement to developers to undertake conversions. Consequently, I recommend that no modification be made to the Plan in response to objection 1747.

**(f) Listed buildings**

- 7.7.13. Although Policy 115, affords a significant degree of protection in relation to the conversion of listed buildings, I am concerned that the wording of Policy 20 could bring the two policies into conflict. I accept that the Plan has to be read as a whole and would normally expect Policy 115 to take precedence in view of the general presumption in favour of the preservation of listed buildings. However, I believe the inclusion of a brief additional criterion in Policy 20 relating to listed buildings would result in an improvement to the Plan since it would ensure that there would be no ambiguity between the two policies. I, therefore, recommend that the Plan be modified accordingly in the light of objection 2970.

**(g) Mix of units**

- 7.7.14. Since a flat of 22 sq. m could meet Environmental Health Standards I do not consider that it is unacceptably small. In any case, to gain planning permission it would still be required to meet the criteria on layout and internal space. Clearly where a flat of 22 sq. m failed to meet these or any other criteria in Policy 20 it could be refused.
- 7.7.15. While a mix of units within a building may be desirable in some situations, I am not satisfied that this will universally be the case. In the light of this and the fact that Policy 19 already gives encouragement to the provision of a range of dwellings in size and type I find no need to include a reference to the desirability of a mix of units in either Policy 20 or its supporting text. In the circumstances, I recommend that no modification be made to the Plan in the light of objection 2971.

**Recommendation**

- 7.7.16. **The Plan be modified as follows:-**

**(a) Policy 20 be amended by:-**

- (i) changing the first criterion (a) in accordance with PIC25;**

- (ii) altering the second criterion (d) in accordance with PIC26;
  - (iii) adding the following sentence:-  
 “Conversions which would adversely affect the architectural or historic character of a listed building and/or its setting will not be acceptable.”  
 After the words “taking full account of the character of the area.”
  - (iv) rewriting the first sentence of criterion (vi) to read:-  
 “Unless the building is within easy walking distance of a wide range of facilities, services and passenger transport, convenient off-street car parking should be provided in accordance with the guidelines set out in appendix...”
- (b) altering the background text as follows:-
- (i) delete the figure 10% and substitute the figure 25% in paragraph 7.50;
  - (ii) add additional text to paragraph 7.50 to give examples of the adverse affects that criterion (a) is intended to prevent;
  - (iii) insert further text to explain what the terms “easy walking distance” and a “wide range of facilities, services and passenger transport” mean.

## 7.8. POLICY 21 : AFFORDABLE HOUSING

### Objections

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
499	Egerton-Rothesay School Ltd	3732	Old Road Securities plc
593	The House Builders Federation	3790	Mrs S Gregory
1282	CPRE – The Hertfordshire Society	3799	Mr & Mrs M Tomlinson
1524	Kings Langley & District Residents' Association	3814	Mr & Mrs P H Gee
1546	Linden Homes South-East Ltd	3824	Mr D Chandler
1597	Mrs A Johnson	4093	Lucas Aerospace
1662	Kings Langley Branch of Hemel Hempstead Conservative Association	4172	English Partnerships
1678	Mr P Witt & Ms S Wareham	4250	Glaxo Wellcome plc
1711	McCarthy & Stone (Developments) Ltd	4321	Mrs A J Nobbs
1822	Wilcon Development Group Ltd	4531	John Dickinson Stationery Ltd
1972	Old Road Securities plc	4778	Felden Park Farms Ltd
3000	Mr & Mrs B J Edwards	4784	Mr & Mrs J Armstrong
3240*	Community Development Agency for Hertfordshire	4788	Mr & Mrs C J Archer
3709	Silvermere Developments	5075	Tring Environmental Forum

### Counter-objections

To pre-inquiry change 27			
5717 PC	Old Road Securities plc	5723 PC	H & I Glasser Ltd
To pre-inquiry change 28			
5403 PC	CPRE - The Hertfordshire Society		
To pre-inquiry change 29			
5316 PC	Wilcon Development Group Ltd <sup>45</sup>	5699 PC	Lucas Aerospace
5720 PC	Old Road Securities plc		
To pre-inquiry change 30			
5241 PC	Gleeson Homes		

### Supports

1013	Berkhamsted Citizens' Association	1904	Hemel Hempstead Team Parish PCC
1890	Chiltern District Council	4938 L	English Nature

### Supports for pre-inquiry changes

For pre-inquiry change 27			
5402 PC	CPRE - The Hertfordshire Society		
For pre-inquiry change 29			

<sup>45</sup> This representation was listed as a counter-objection to PIC21. However it is apparent that it actually relates to PIC29 (see page 33 of CD50) and I have therefore considered it under Policy 21.

5404 PC CPRE - The Hertfordshire Society  
For pre-inquiry change 30  
5405 PC CPRE - The Hertfordshire Society

## Key Issues

### Policy in general

- (a) Whether the Policy is legally valid and can be enforced. (1662, 5723PC)
- (b) Does it constitute a statement of the Borough’s housing policy rather than a planning policy. (593)
- (c) Is it consistent with the advice set out in Circular 6/98 and PPG3. (499, 593, 1546, 1711, 4172)
- (d) Whether the Policy strategy matches the demand for affordable housing. (3000)

### The Housing Needs Survey (HNS)

- (e) What is the relationship between the HNS and the Policy. Are the estimates in the HNS accurate and can the assumptions that have been made about housing need be relied upon. Should a new assessment be undertaken. (499, 593, 1678, 1822, 3841, 4172, 5723PC)

### The Overall target

- (f) Should the Policy include a general target figure for the provision of affordable housing during the Plan period. Does the proposed target of 2900 affordable dwelling units accord with the Structure Plan. Is it both realistic and achievable. Would a target of 100 units a year be more reasonable. (499, 593, 1678, 1822, 3709, 3732, 3790, 3799, 3814, 3824, 3841, 4172, 4321, 5723PC)

### The definition of affordable housing and the role of the private sector

- (g) Should the Policy make provision for both low-cost market and subsidised housing. Is the policy overly prescriptive in regard to tenure and type of affordable housing. Does it fail to recognise the contribution that private development can make to towards meeting affordable housing needs through alternative tenures. (499, 593, 1282, 1662, 1678, 1822, 1972, 3814, 4093, 4172, 5723PC)
- (h) Does the private rented sector have a role to play. (4172, 1822)

### Reserve housing sites

- (i) Is it appropriate to allow the early release of reserve housing sites in order to provide affordable housing. (1524, 1597)

### Thresholds

- (j) Is it pertinent to use the word “normally” when setting out the relevant thresholds for appropriately sized housing sites. (4250)
- (k) Are the proposed minimum thresholds for appropriately sized sites unreasonable. Should lower thresholds be set for smaller settlements with populations below 3001 to reflect local need. Ought the Policy to make clear that the threshold for larger villages should only be applied where exceptional local constraints apply and where the settlement has a population of over 3000. (499, 593, 1822, 3240, 3841, 5075, 5717, 5723PC)

### Expected proportion of affordable housing on redevelopment, very large and greenfield sites

- (l) Are the differing expectations for redevelopment sites, very large sites and greenfield sites, substantiated. Do they conflict with the Policy’s criteria based approach. Is it reasonable to set different targets for specific categories of site. In particular does seeking a higher level of

affordable housing on all greenfield sites accord with Government advice. (593, 1662, 1678, 1972, 4093, 4172)

- (m) Is a minimum target of 20% reasonable for redevelopment sites or should 25% of affordable housing be sought on such sites. Alternatively should the provision of affordable housing on such sites be assessed as part of the overall ‘planning gain’ package for individual sites. (1524, 4531)

#### Individual site targets

- (n) Is it appropriate to apply targets to individual sites. If so, are the targets set too high. Should they merely be indicative or ought each site be assessed on the basis of a local needs survey. (593, 1972, 3709, 3732, 3790, 3799, 3814, 3824, 4172)
- (o) Are the requirements for larger identified sites too inflexible. Ought more emphasis to be given to negotiating agreements at the development control stage. (1822, 4778, 4784, 4788)

#### Commuted payments

- (p) Should the Policy give greater encouragement to commuted payments and ought it to include criteria to establish the most appropriate method of calculation for such payments. (1822, 5075)

#### Criteria for assessing the type and amount of affordable housing

- (q) Whether the criteria should include access to public transport and/or the proximity of local services. (4172, 5075)
- (r) Does the Policy take proper account of the economics of provision, especially in respect of sites where significant decontamination and remediation works are required, such as the Glaxo Wellcome site in Berkhamsted. (4250)
- (s) Is it sufficiently clear what having regard to the marketing of the private housing on the site means. (4172)
- (t) Should the criteria refer to the importance of other planning objectives. (1822, 4172)

#### Other factors to be taken into account

- (u) Do these factors need to be clarified. Are they overly prescriptive. (4172)

#### Arrangements for ensuring benefits pass to successive occupiers

- (v) Should the policy incorporate the supplementary planning guidance on “Planning Obligations to secure Affordable Housing”, which has been produced by the Council. (1822)

#### The background text

- (w) Is the proposed change (PIC28) to paragraph 7.62(b) appropriate. (5403PC)
- (x) Should paragraph 7.64 refer to specific rent levels and floorspace. Is the proposed pre-inquiry change (PIC29) to this paragraph appropriate or is it unduly prescriptive. Does it comply with Government guidance. Would it be better to relate costs to 100% total cost indicators base table rates. (1822, 4093, 4172, 5316PC, 5699PC, 5720PC)
- (y) Ought the reasons given for PIC30 have referred to the inclusion of new housing proposal H18A rather than H34A. (5241PC)

#### Other matters

- (z) Would the Policy prejudice the development of small sites which are intended to meet a recognised specialised housing need, such as sheltered housing for the elderly. (1711)

- (aa) Whether the use of town centre sites should be limited to affordable housing. (5075)
- (bb) Does consideration need to be given to excluding car parking from some sites where there is good public transport provision in order to achieve extra living space. (4321)

## **Inspector’s Conclusions**

### ***General context***

- 7.8.1. National planning advice makes clear that the provision of affordable housing is an important issue. PPG3 (CD3A) states that a community’s need for a mix of housing types, including affordable housing, is a material planning consideration which should be taken into account in formulating development plan policies. Where there is a demonstrable lack of affordable housing to meet local needs it stipulates that local plans should include a policy for seeking affordable housing in suitable developments. The policy should define what the authority considers to be affordable in terms of the relationship between local income levels and house prices or rents for different types of household. It should also indicate how many affordable homes need to be provided and identify suitable areas and sites on which affordable housing is to be provided and the amount of provision that will be sought.
- 7.8.2. Circular 6/98 (CD21) gives more detailed guidance. In particular it reiterates the need for the policy to define what the local authority considers affordable but makes clear that this should include both low-cost market and subsidised housing, as both will have some role to play in providing for local needs. Definitions should be framed to endure for the life of the plan through references to the level of local incomes and their relationship to house prices or rents rather than to a particular price or rent. The plan should also indicate how many affordable homes need to be provided and set indicative targets for specific sites and indicate the intention to negotiate with developers for the inclusion of an element of affordable housing on such sites.
- 7.8.3. The Circular goes on to outline that other policies covering such issues as vacant housing, conversions and making full and effective use of land should also be included in the Plan. The Circular sets out a number of criteria that should be taken into account in preparing plan policies. In particular it states that the policy should only be applied to suitable sites. These are defined as being housing developments of 25 or more dwellings or residential sites of 1 hectare or more. However, in settlements in rural areas that have a population of 3,000 or fewer, it states that the local planning authority should adopt appropriate thresholds. These should be based on assessments that include local needs and the available supply of land for housing. In addition, the Circular allows for a lower threshold to be set in other areas where it can be demonstrated that there are exceptional local constraints, providing that it does not fall below the level of 15 dwellings or 0.5 of a hectare.
- 7.8.4. In July 2000, the DETR published “Local Housing Needs Assessment: A Guide to Good Practice”. This sets out a general framework and approach to local housing needs assessments and gives advice to Local Authorities on commissioning a housing needs survey (HNS), how to analyse the data from the HNS and how to use other sources of information to check its reliability. Unlike either PPG3 or Circular 6/98 it also gives a definition for affordable housing and housing need.

- 7.8.5. The importance of affordable housing is carried through into regional policy. RPG9 (CD23A), which was issued in March 2001, states that it is evident that there is a strong demand for affordable housing in the South East. It sees the provision of affordable housing in the South East as an important component in the development of mixed and balanced communities, to help meet the housing needs of the whole population. It makes clear that policies in development plans can assist delivery through securing an element of affordable housing as part of new development. Such policies should be supported by robust assessments of housing need across all tenures. However, it reiterates that ‘affordable housing’ covers both subsidised housing for rent and low-cost market housing and states that the provision of both should be addressed through development plan policies.
- 7.8.6. Policy H4 stipulates that a range of dwelling types and sizes should be provided, including alternative forms of tenure, in order to meet the needs of all sectors of the community and to plan for balanced communities. It goes on to say that affordable housing should be provided to meet locally assessed need. It then sets out a number of things that development plans should do. Amongst these are including policies for securing affordable housing based on local housing strategies and explaining how the powers in Circular 6/98 will be used. It also requires that they set appropriate thresholds for settlements in rural areas with populations of 3,000 or less. In addition, it urges local authorities to consider whether there is a need to seek lower thresholds as set out in Circular 6/98. Finally it sets a provisional indicator of 18,000 to 19,000 affordable homes a year for the rest of the South East (ROSE), which equates to between 46 to 49% of the total housing provision of 39,000 dwellings per annum.
- 7.8.7. At the strategic level Policy 10 of the Structure Plan Review (CD32) states that the type and level of need for affordable housing will be identified from local authority housing needs surveys and housing strategies, and targets will be indicated in local plans. Paragraph 196 of SPR recommends that in taking forward Policy 10 in local plan policies, a figure normally between 25% and 40% affordable housing is considered appropriate for most market sector-led developments. It goes on to say that major green field development sites, including the strategic developments west of the A1(M) at Stevenage and at several sites at Hemel Hempstead, are considered to be key locations for the provision of affordable housing for rent.
- 7.8.8. In considering the need for affordable housing in Hertfordshire the EIP panel found in its report (CD30) that there was clear evidence of a substantial proportion of the dwellings requirement representing social housing need. While they concluded that it might not be as high as 40%, they considered it was likely to be between 30-40%. However, they also concluded that the social housing needs could not be regarded as a major determinant of the development strategy, but that one of the advantages of any provision for greenfield development would be that it would provide a contribution that would be unlikely to be forthcoming from regeneration.
- 7.8.9. Policy 21 of the DBLP was drawn up after the issue of Circular 6/98 but before the publication of the revised versions of PPG3 and RPG9. The Deposit Draft version seeks to establish a borough-wide target of 2,900 affordable housing units for the plan period, which would amount to 40% of the total housing provision. It indicates that new affordable housing will consist primarily of units for rent with a small amount of shared ownership properties. It also sets site thresholds of 1 hectare or 25 dwellings for the towns and 0.5 hectares or 15 dwellings in the larger villages.

- 7.8.10. It stipulates that the amount of affordable housing on individual sites will be achieved through negotiation and will be governed by a general expectation of a minimum of 20% of units on redevelopment sites with much higher levels on very large sites and green field sites. It goes on to lay down criteria for commuted payments and for assessing the type and amount of affordable housing. It then sets out the criteria that will be taken into account in any future HNS and seeks to ensure that arrangements are put in place to ensure that the benefit can pass from initial occupiers of properties to successive occupiers.
- 7.8.11. At the time that Policy 21 was drawn up the last local HNS had been undertaken in 1993. A further HNS was therefore undertaken in 1998 by Fordham Research Limited and the results published in January 1999 (CD82). This identified a total net need for the Borough of just over 10,000 households over the period 1998 to 2006. It suggested that between 3,000 and 4,600 affordable units might be required in order to meet all the need arising by 2006. It also considered that it would be reasonable to expect that a target proportion of at least 30% affordable housing should be fully achieved on most sites over the size threshold, unless special circumstances could be demonstrated. It recommended that it would be appropriate to seek the highest practical level of provision on the larger greenfield sites.
- 7.8.12. A subsequent study undertaken by Fordham Research Limited on behalf of DBC examined the contributions required by the Local Plan in respect of the larger greenfield sites. An edited version of the final report was published in January 2000 (CD62). This concluded that the 7 large greenfield sites that were considered could afford the estimated planning gain packages, including the provision of affordable housing at the levels envisaged in the Plan.
- 7.8.13. During the last two months of 1999 the Council placed on deposit its proposed pre-inquiry changes to the Plan. These sought to make one change to Policy 21 and three changes to the supporting text. PIC27 proposed an additional threshold of 0.2 hectares or 5 dwellings for the rural area outside the large villages and towns. PIC28 sought to amend paragraph 7.62 of the background text to clarify the most needed type of 1 and 2 bedroom properties, whilst PIC29 proposed an amendment to the references to the Housing Corporation benchmarks in paragraph 7.64. Finally PIC30 sought to update the housing figures in paragraph 7.70 of the text in the light of the proposed pre-inquiry changes to the Housing Schedule.
- 7.8.14. Prior to the Inquiry in February 2000, the Council issued a Technical Report on Affordable Housing (CD57A). This updated the relevant figures to April 1999, which indicated, amongst other things, that the price of a three bedroom semi-detached property in Hertfordshire had increased by 15% since 1998. It also showed that the stock of Council housing had dropped by nearly 2,000 dwellings between 1991 and 1999 and identified that a further 223 households had been accepted as homeless in 1998/99. In addition, the report referred to the fact that the Council’s annual Housing Investment Programme statements had been replaced by a 3 year strategy document (Dacorum Borough Council: Housing Strategy 2000 – 2003). This seeks to enable approximately 100 additional affordable housing units to be constructed per annum.
- 7.8.15. The report goes on to identify that 94 additional affordable units were provided in 1998/99 and that overall some 664 affordable housing units were completed between

1991 and 1999, representing an annual completion rate of 83 dwellings. In respect of future provision, 36 additional affordable housing units were committed at 1 April 1999. The level of provision expected to come forward from sites identified in Parts I and II of the Housing Schedule in the Plan would be 723 units in respect of the Deposit Draft. This would increase to 840 units if the proposed pre-inquiry changes were adopted. 88.1% of these additional units would be in Hemel Hempstead, 8.3% in Berkhamsted and none in Tring. In respect of the three large villages, Bovingdon would have none, Kings Langley would have 0.8% and Markyate 2.4%. The rest of the rural area would have the remaining 0.4%<sup>46</sup>.

- 7.8.16. The Council has also put forward a number of further changes in the documents it submitted to the Inquiry. FC4 seeks to amend paragraph 7.64 of the background text to specify that the weekly rent levels must not exceed the Housing Corporation rent cap levels. FC20<sup>47</sup> seeks to alter the wording of paragraph 7.54 so as to make clear that the Council’s definition of affordable housing relates to existing circumstances. FC45 and FC46, which were put forward in LPA Doc.No.424, seek respectively to modify the policy and paragraph 7.61 of the background text to include a reference to housing needs assessments.
- 7.8.17. Finally as part of its submissions to the RTS the Council provided a further calculation of total need<sup>48</sup>. This purported to indicate a need for some 3,650 affordable dwellings by 2006. If the assessment were projected forward to 2011, to match the Local Plan period, it contends that it would produce a requirement for 4,425 dwellings. I have considered the various objections to Policy 21 within this overall context.

## Policy in general

### **(a) *Legality and enforceability of Policy***

- 7.8.18. H & I Glasser Ltd (5723PC) contend that the policy is unlawful, insofar as it requires a developer to dispose of land for ‘affordable’ housing to a Registered Social Landlord (RSL) at an undervalue. They also argue that it is contrary to the European Convention on Human Rights and the Human Rights Act, because it seeks to deprive the owner of his right to enjoy his property without any basis in domestic law and also because the operation of the particular policy is arbitrary. The chairman of Kings Langley Branch of Hemel Hempstead Conservative Association (1662) is concerned that the Council is going to great lengths to seek Social Housing, without admitting that it does not have the legal means to enforce it.
- 7.8.19. Whether or not Policy 21 is unlawful can ultimately only be determined by the Courts. I do not consider, therefore, that it would be appropriate for me to seek to give a definitive legal opinion on this matter. However, as the legal validity of the policy has been questioned by at least 2 objectors I set out my views on this issue below, in the

<sup>46</sup> These percentages relate to the Housing Schedule as proposed under the pre-inquiry changes.

<sup>47</sup> This change is numbered as FC19 in paragraph 8 of LPA Doc. No. 194, but is classified in CD51A and CD51E as FC20. The wording of FC20 also differs slightly from that proposed under FC19 in LPA Doc.No.194. As CD51A and CD51E post-date LPA Doc.No.194, I have assumed that the wording in the later documents is the actual change the Council is seeking to put forward. While I have taken this wording into account, I have attached less weight to it as some objectors to Policy 21 may not have seen the revised wording in FC20 as documents CD51A and CD51E were not generally sent out to objectors.

<sup>48</sup> See LPA Doc 227 DBC/2/A (Appendix 2)

hope that it will assist the Council in its consideration of my recommendations in respect of this policy.

- 7.8.20. The analysis in the August 2000 issue of the Planning Encyclopaedia monthly bulletin concludes that the legal basis of affordable housing requirements in England and Wales remains weak. The legal opinion from Geoffrey Stone QC, which has been submitted by H & I Glasser Ltd, goes further than this in advising that there is no legislative basis for either Policy 21 or the Government’s policy in PPG3. To some extent these conclusions reflect the views of the authors of an article entitled “Affordable Housing Policy-Desirable but unlawful?”, which appeared in the Journal of Planning Law as long ago as 1993 [JPL 317].
- 7.8.21. It is surprising, in the light of the alleged weakness of the legislative basis for such policies, that to date there appears to have been no direct legal challenge to their inclusion within a local plan. This is despite the fact that such policies have been around for some time and are now contained within numerous local plans. Some evidence of the Courts’ views on such policies is contained in the judgement in *R v Tower Hamlets London Borough Council, ex p Barratt Homes Ltd [2000] JPL 1051*. However, this case related specifically to whether the requirements for affordable housing that were contained in supplementary planning guidance (SPG) were lawful. The Court held that they were. A similar approach appears to have been followed in a subsequent case (*R (J A Pye (Oxford) Ltd) v Oxford City Council [2001] EWHC Admin 870*), which also dealt with affordable housing policies contained in SPG.
- 7.8.22. As both these cases dealt expressly with the lawfulness of SPG, neither is directly comparable to the current situation. Nevertheless, Sullivan J’s judgement in respect of the *Tower Hamlets* case does contain some interesting conclusions, which appear to be relevant to the issue of the legal validity of affordable housing policies in general. Firstly, he appears to have accepted that the need for affordable housing is a material consideration, which does not appear to be challenged by the objectors. Secondly, he held that whether in any particular case a local planning authority, in requiring a developer to incorporate affordable housing, is acting for an ulterior purpose or unreasonably must be a question of fact. He appears to have concluded that the London Borough of Tower Hamlets was not so acting, in view of the substantial need for affordable housing within the Borough.
- 7.8.23. While the judge accepted that a perfectly proper planning requirement could be increased so as to become an unreasonable demand or an unlawful shifting of the burden, there is no indication that he considered that affordable housing policies were, as a matter of principle, unlawful. In the light of this judgement it seems reasonable to suppose that the Courts would be reluctant to find national or local policies on affordable housing unlawful providing they could be demonstrated to be serving a genuine planning purpose.
- 7.8.24. Although some doubts have been raised about the methodology of the Council’s HNS, I am satisfied that it demonstrates a clear need for a substantial element of affordable housing within Dacorum. In my view it also shows that there is a significant need for such housing within the rural area of the Borough. The continuing reduction in Council owned properties due to the right to buy provisions mean that the Council’s ability to house those in need is constantly diminishing. This situation seems even more pronounced within the rural settlements. Even when one takes into account the

provisions of Policy 26, which would allow affordable housing to be built on land outside existing rural settlements in some circumstances, it seems highly unlikely that the need could be met by the Council developing land that it owns within the rural area. Neither, in my view, is it reasonable to expect that this need could be adequately addressed by Housing Associations, even if, as the Government apparently proposes, funding to the Housing Corporation is increased. Indeed, there seems little likelihood that conventional sources of funding would ever be sufficient to address the need.

- 7.8.25. In these circumstances, I consider that the Council is acting entirely reasonably in proposing that a proportion of all land developed for housing during the Plan period should be used to provide affordable housing. Not only is this necessary to meet a clear need for such housing but it would also help to meet the Government’s objective of ensuring that all new housing development helps to secure a better social mix. Where there is a limited supply of housing land, the failure of a particular site to provide an element of affordable housing is likely to have a seriously adverse effect on the local authority’s ability to meet a clearly established need for such housing. In such circumstances, I consider that a clear link would exist between the development of the site and the need of the community for affordable housing. I am satisfied, therefore, that the requirement in Policy 21 for private developers to provide for an element of affordable housing to be constructed on all appropriate new housing sites would serve a genuine planning purpose.
- 7.8.26. I note the concerns raised by the objector about the requirement for provision to be made on smaller rural sites. I deal with the issue of the appropriate thresholds more fully in paragraphs 7.8.139 to 7.8.149 below. However, in view of the significant planning constraints that exist, the limited amount of land available and the significant level of need within the rural area, I am satisfied that the incorporation of a lower threshold for the smaller rural communities would also serve a proper planning purpose.
- 7.8.27. As to the alleged interference in the objector’s rights under Article 1 of the First Protocol to the European Convention of Human Rights, I have some doubts that the inclusion of a general policy on affordable housing in a Local Plan would actually be considered determinative of an individual’s rights. It seems to me that it would only become determinative when the policy was used to either require an owner to provide for affordable housing as part of a development or where planning permission was refused because of an owner’s failure to make the necessary provision.
- 7.8.28. Even if the incorporation of such a policy into the Local Plan would constitute an interference with a landowner’s right to the peaceful enjoyment of their property, I am not satisfied that such interference would be held to be disproportionate. The law gives wide discretion to local planning authorities as to the contents of their development plans. In particular it allows authorities to include policies that are necessary to control the development and use of land within their area. Providing it is set out in a clear and accessible manner, I see no reason why this should not enable an authority to incorporate a policy in a local plan that sought the provision of an element of affordable housing on all appropriately sized developments.
- 7.8.29. There is clear social need for affordable housing within the Borough in order to meet the housing needs of those in the community who cannot afford market housing. It is apparent that this need cannot be met in its entirety directly by the state. I consider,

therefore, that the objective of the policy, insofar as it seeks to achieve an element of affordable housing as part of all appropriate sized developments, constitutes a reasonable and legitimate aim in a democratic society. As long as the policy lays down a clear regime for requiring affordable housing I do not believe it would be held to be uncertain or arbitrary. In my view, the policy, in general terms, strikes a fair balance between the general interests of the community and the requirement for the protection of the individual’s fundamental rights. Consequently, I am not satisfied that it would necessarily amount to a violation of a landowner’s rights under Article 1 of the First Protocol of the Convention. I doubt, therefore, that the Courts would hold that the policy was in breach of the Human Rights Act.

- 7.8.30. Turning to the Council’s legal ability to enforce Policy 21, both PPG3 and Circular 6/98 assert that where a local planning authority has decided that an element of affordable housing is required, there is a presumption that it should be provided as part of the proposed development. Failure to apply this policy could justify refusal of planning permission. The Council will obviously have to take due account of the viability of the development in setting the amount of affordable housing it seeks to secure. Providing it does this, I am satisfied that the ability to refuse planning permission for a scheme that failed to supply an appropriate amount of affordable housing, would give the Council sufficient leverage to achieve the objectives of Policy 21. In the circumstances, I consider that the policy should be legally enforceable.
- 7.8.31. In conclusion, therefore, I am not satisfied that there is sufficient reason to believe that Policy 21 would be held by the Courts to be unlawful. Consequently, I do not consider it would be appropriate for me to recommend that Policy 21 be deleted in response to this aspect of objections 1662 and 5723PC.

**(b) *Housing or Planning policy***

- 7.8.32. Both PPG3 and Circular 6/98 stress the importance of local planning authorities working jointly with housing departments to ensure that planning policies are compatible with co-ordinating their housing strategies. While strictly speaking any local plan policy should deal primarily with planning issues there is bound in my view to be some overlap with housing strategies, particularly where the responsibilities of the planning and housing arms of the authority are so closely inter-linked. Indeed the section 1.6 of the Good Practice Guide<sup>49</sup> identifies the need for the different programmes to be mutually reinforcing at the local level and stresses the requirement for a corporate approach.
- 7.8.33. Although the opening clauses of Policy 21 refer to the Council’s actions as a housing authority, these merely seek to place the policy within the wider setting of the Council’s responsibilities. In my view, it does not seek to establish the Council’s housing policy, which is set out in a separate strategy document (Dacorum Borough Council: Housing Strategy 2000 – 2003). I do not consider, therefore, that the policy constitutes a statement of the Borough’s housing policy rather than a planning policy. Accordingly I recommend no modification to the policy in answer to this element of objection 593.

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<sup>49</sup> “Local Housing Needs Assessment: A Guide to Good Practice     DETR     July 2000

**(c) Consistency with Circular 6/98 and PPG3**

- 7.8.34. As established in the earlier paragraphs of this section, in which I have attempted to set out in brief the national, regional and strategic policy context for Policy 21, PPG3 and Circular 6/98 lay down certain requirements for affordable housing policies. In general terms these are to define what the authority considers to be affordable; to indicate how many affordable homes need to be provided, including the different types of affordable housing needed; and to identify suitable sites and indicate the amount of provision that will be sought on each site.
- 7.8.35. Policy 21 clearly indicates the number of affordable homes the Council considers should be provided during the Plan period. It also states that the housing that is needed is primarily units for rent with some shared ownership properties. I am satisfied, therefore, that it largely complies with the second requirement in paragraph 15 of PPG3. The Plan also identifies a number of new housing sites for which a proportion of the dwellings constructed will be expected to be affordable. Setting aside whether these targets are in themselves reasonable, which I deal with in paragraphs 7.8.158 to 7.8.164 below, I consider that this approach is generally consistent with the third requirement.
- 7.8.36. I am not satisfied, however, that the policy fully accords with the first requirement of paragraph 15 of PPG3. In my opinion, Policy 21 does not contain a clear definition of what the Council considers to be affordable in the local plan area, which is contrary to the advice in PPG3. Instead the policy merely states that new affordable housing will consist primarily of units for rent with some shared ownership properties. I do not consider that this constitutes a definition of affordable housing within the terms of paragraph 15 of PPG3. Although the supporting text states that the Council recognises the broad definition of affordable housing in national guidance, it is not obvious that the Council actually accepts this definition.
- 7.8.37. I appreciate that paragraph 7.54 also states that Policy 21 defines affordable housing as housing which is subsidised directly by the providing agency and/or directly through planning control affecting land prices. However, I am not satisfied that the policy actually does do this. In my opinion, the inclusion of such a vague statement in the supporting text does little to clarify what is affordable in the local plan area in terms of the relationship between local income levels and house prices or rents, as required by paragraph 15 of PPG3. The proposed further change to the text under FC20 would weaken the statement even further as it would remove the word “defines” and substitute it with the more ambiguous verb ‘treats’.
- 7.8.38. I am also concerned that paragraph 7.56 goes on to stipulate in fairly bald terms that the Council will not accept low-cost market housing as affordable. There may be justifiable reasons for concluding that such housing is rarely likely to be affordable, in present circumstances. However, Circular 6/98 makes clear that any definition should be framed so as to endure for the life of the Plan. I consider that effectively ruling out low cost market housing in principle for the life of the Plan would conflict with the advice in paragraph 4 of Circular 6/98 and paragraph 8.15 of RPG9. Both indicate that the provision of low-cost market housing, as well as subsidised housing for rent, should be addressed through development plan policies. The advice in the latter is, in my view, particularly pertinent since not only is it very recent but it relates specifically

to the South East where house prices are likely to be fairly high in most areas. In my view the Council has failed to adequately take this advice on board.

- 7.8.39. Finally, I am unhappy about the wording of paragraph 7.64 of the supporting text. This seeks to establish affordability by using specific benchmark rents set for the 1998/99 funding programme by the Housing Corporation. This does not conform with the advice in paragraph 9(a) of Circular 6/98, which makes clear that affordable housing should be defined through references to the level of local incomes and their relationship to house prices or rents rather than to a particular price or rent. Taking all these factors together I am not satisfied that Policy 21 fully complies with the first requirement of paragraph 15 of PPG3. I would, recommend, therefore, that in response to this aspect of objections 499, 593, 1546, 1711 and 4172, Policy 21 and its supporting text should be modified to provide a much clearer definition of what the authority considers to be affordable housing. In my view this should allow for the possibility that in some instances it could include an element of low-cost or subsidised market housing.

**(d) *Whether strategy matches demand***

- 7.8.40. The Housing Needs Survey (HNS) predicts that some 3,000 to 4,600 affordable units will be required by 2006. The Council’s subsequent recalculation estimates that the actual need up to the end of the Plan period may be 4,425 dwellings. Even if these figures are an overestimate, as some objectors suggest, it seems reasonable to conclude that strategy of seeking 2,900 affordable homes during the Plan period is unlikely to match actual demand for such dwellings.
- 7.8.41. In my view, there is little realistic prospect that the estimated level of demand for affordable housing could be met during the current Plan period, bearing in mind that the overall housing provision for the Borough is only 7,200 dwellings. Indeed, I have serious doubts that even the lower level of provision sought in Policy 21 could actually be achieved. I do not consider therefore that it would be reasonable to require the Council to seek to match their strategy for the provision of affordable housing with actual demand.
- 7.8.42. My view is strengthened in this case by the advice in the Good Practice Guide<sup>49</sup>, which suggests that it is unlikely to be appropriate to seek to meet the entire backlog of housing need in one period. In the circumstances, I see no reason to recommend the policy be modified in response to objection 3000.
- 7.8.43. In reaching my conclusion on this objection I have taken account of the fact that the objector’s concern appears primarily to relate to the total level of housing proposed and the amount that is planned for greenfield sites. However, I have already established to my satisfaction, in sections 7.2 and 7.4 of my report, that the level of housing proposed in the Plan is based on a reliable estimate of need. I have also concluded that some housing development on greenfield land cannot be avoided if the need is to be met.
- 7.8.44. There is no evidence that the Council has sought to inflate the total housing requirement or to allocate more greenfield land than is necessary in order to provide more affordable housing. Indeed, apart from the small site at Ninian Road (H26), there is no evidence that any of the greenfield housing sites have been included in the

Plan solely to meet the need for affordable housing. I am satisfied, therefore, that the Council’s housing strategy, including its general approach to meeting housing need, is reasonable, even though it is unlikely to match the existing and projected demand for affordable housing.

The Housing Needs Survey (HNS)

*(e) Accuracy and reliability of HNS*

- 7.8.45. At the time that Policy 21 was drawn up the last HNS had been undertaken in 1993. However, it appears that this survey was updated in 1996. In the circumstances, while it may not have been as up to date as one might wish, I find no reason to believe that it did not provide sufficiently robust evidence of housing need to justify the Council including a detailed policy on affordable housing in the Local Plan.
- 7.8.46. Since the Plan was placed on deposit a further HNS has been undertaken. This purports to show that there remains a substantial need for affordable housing within the Borough. Many of the objectors, however, question the accuracy of this survey. In particular, they point out that the HNS does not accord with the advice in the Good Practice Guide<sup>49</sup> (the Guide) in some respects. They contend, therefore, that the methodology is generally weak and/or defective. In their view the errors in the methodology have led to the HNS exaggerating the actual level of need. At least one objector argues that a new assessment should be undertaken before the Plan is adopted.
- 7.8.47. As the Guide was issued some time after the last HNS was undertaken, I have some sympathy with the Council’s view that it is unreasonable to criticise the HNS for failing to comply with it. However, Circular 6/98 does make clear that assessments of housing need to be rigorous. Since the HNS plays such a fundamental role in determining the Council’s corporate approach to the provision of affordable housing, it is clearly of considerable importance in the formulation of the associated planning policy. I have, therefore, considered whether the 1998 Dacorum HNS constitutes a robust assessment of need, particularly insofar as it forms the basis for determining the level of affordable housing that will be sought by the Council under Policy 21.
- 7.8.48. There is no doubt in my mind that in many respects the Council’s approach to housing needs assessment closely follows the advice in the Guide. Indeed the Guide specifically refers to the methodology used by Fordham Research at a number of points. There are some aspects, however, where the Council’s approach either diverges from the Guide or where the Guide sets out a number of different approaches without determining which approach might be the most appropriate in any given situation. I have, therefore, carefully examined the various criticisms made by the objectors in order to establish whether any of the differences in approach are of such significance that they seriously undermine the validity of the HNS’s conclusions.

Existing households in need

*(a) Subjectivity*

- 7.8.49. One of the first criticisms raised by objectors is that the methodology used by the HNS is largely subjective. In contrast, the Council maintains that the approach is relatively objective. I have no doubt that the use of interviewees’ responses to assess the

suitability of existing housing is essentially a subjective approach. Although using a scoring system to quantify the results is more sophisticated it remains in essence a subjective system. However, there is no suggestion in the Guide that such an approach is unsound. It merely suggests that the findings of such interviews are checked against aspects of unsuitability that can be objectively assessed, such as the occupancy level of a dwelling, in order to assess their reliability. In undertaking the HNS it is clear that the Council sought to do this, using both evidence from independent surveyors and evidence regarding overcrowding. I am not satisfied, therefore, that the Council’s methodology was unacceptably subjective.

*(b) The scoring system*

- 7.8.50. Criticisms were also raised at the RTS regarding the scoring system the Council used in assessing the unsuitability of existing housing. The relevance and weighting of some of the factors was questioned, as was the way the total scores were calculated. In my view the factors the Council used in assessing the unsuitability of existing housing were reasonable. It is clear from table 4.1 of the HNS that less important factors, like the need to be closer to work, have been allocated a much lower score. They are unlikely therefore to have significantly inflated the assessment of need.
- 7.8.51. Although the scoring system may not be perfect, I consider it is a sensible method for weighting the responses received from those interviewed. Critical factors such as home too small, home in need of major repair and sharing a bathroom/toilet or kitchen are clearly given the highest scores. In the circumstances, I am not satisfied that the scoring system distorts the level of need.

*(c) The bedroom standard*

- 7.8.52. It is suggested that the bedroom standard, which was used to assess the reliability of the respondents’ claims that their existing home is too small, is over generous. Some objectors contend that the use of this standard has inflated the numbers of existing households found to be housing need.
- 7.8.53. Strictly speaking the Council is correct in asserting that the bedroom standard does not directly affect the estimate of housing need. This is actually assessed on the basis of the respondents’ replies, which do not take into account a particular bedroom standard. However, it is disingenuous in my view to suggest that the bedroom standard has no relevance whatever to the assessment of need.
- 7.8.54. There is no doubt that the standard used by the Dacorum Borough Council is higher than that used by many other authorities. Not only does it assume that each person in the household should have a bedroom, whatever their age or sex, but it also assumes that each household should have a spare bedroom. While a requirement for each household member to have a bedroom is equitable in my view, I doubt that it can realistically be argued that the lack of a spare bedroom amounts to overcrowding.
- 7.8.55. If a lower standard had been used it seems to me that it may well have shown a greater divergence between the respondents’ subjective assessment of their own need and the objective assessment of overcrowding using the bedroom standard. If this divergence was particularly significant it might have justified modifying the scoring system or re-

weighting the responses so as to achieve a closer correlation between the subjective and objective assessments of overcrowding.

- 7.8.56. However, the size of the home, although important, is only one factor out of the twelve that were used to assess housing suitability. In looking at those with serious problems of unsuitability it is apparent that within Dacorum the need for major repairs plays a greater role than the home being too small<sup>50</sup>. I am not satisfied, therefore, that the use of a lower bedroom standard would necessarily have significantly reduced the number of households assessed to be in unsuitable housing. More importantly, even if it had decreased the number of those classified as being in unsuitable housing it would not automatically have led to a similar reduction in the number of existing households assessed as being unable to afford suitable housing. On balance, therefore, I am not satisfied that it has been clearly established by the objectors that the use of the higher bedroom standard has resulted in a serious exaggeration of housing need.

*(d) Owner occupiers and equity*

- 7.8.57. It is contended by some objectors that the HNS takes inadequate account of owner-occupiers’ existing equity in determining the number of households who cannot afford market housing. The suggestion is that most owner-occupiers are likely to be able to realise sufficient equity to purchase a better property. In response, the Council argues that research has previously shown that the inclusion of equity only has a marginal impact on the numbers of those in housing need who could not afford to purchase a more suitable property.
- 7.8.58. Subsequent analysis undertaken by the Council shows that in Dacorum only 44 owner-occupiers without a mortgage actually need to move to get out of housing need. This is only 1% of the existing households in need and only 2.7% of those households in need who also need to move. Clearly, therefore, owner-occupiers who do not have a mortgage make up a very small percentage of the total need. Owner-occupiers with a mortgage are likely to have far less equity.
- 7.8.59. In the light of this evidence, I have serious doubts that the inclusion of equity in the calculation would have had a significant impact on the level of need identified by the HNS. House prices within the Borough are generally high. It seems likely, therefore, that many of those owner-occupiers who are assessed as living in unsuitable housing are going to be unable to afford to move to more suitable accommodation for the reasons identified by Professor Bramley in paragraph 3.50 of his report to the DETR<sup>51</sup>.
- 7.8.60. I appreciate that the Guide<sup>49</sup> says that it is important to take account of the amount of the existing equity owned. However, it appears from section 5.7 of the HNS that equity was taken into account insofar as owner-occupiers were assessed as meeting the savings test because of it. I am not satisfied therefore that the failure to take direct

<sup>50</sup> Figure 4.1 of the HNS shows 1,525 people with a serious problem in respect of the need for major repair and only 1,108 people with a serious problem with the home being too small.

<sup>51</sup> Bramley G, Pawson H, Satasange M & Third H – “Local Housing Needs Assessment: a review of current practice and the need for guidance”. Report to DETR 1999 Research Paper No. 73, School of Planning & Housing, Edinburgh College of Art/Heriot-Watt University.

account of equity in assessing whether households in need can afford new housing has significantly distorted the level of housing need identified in the HNS.

*(e) Affordability and rent levels*

- 7.8.61. The HNS used a threshold of 25% of net income to assess affordability in terms of renting. Some objectors have suggested that this is too low and that most households could afford to spend a higher proportion of income on housing costs.
- 7.8.62. The Guide suggests that a threshold level of 25-30% of net income may be adopted. It indicates that higher ratios may be appropriate for home ownership options than for rental or shared ownership. It goes on to state that a 30% threshold may be more realistic where there is a greater residual income.
- 7.8.63. I do not consider, therefore, that it is necessarily appropriate to adopt a 30% threshold across the board. Even if one did apply the higher threshold this would only reduce the proportion of households that the HNS estimates could not afford market rents by just over 5%. If state benefits are added the reduction would still be under 6%. Bearing in mind the significant proportion of households who were originally found to be unable to afford market rents (78.8%), I consider that this small reduction is unlikely to have a significant impact on the overall level of need identified in the HNS.

*(f) Need in the Council sector*

- 7.8.64. It is suggested that better management of the existing stock could meet much of the need in the social rented sector. However, while on the face of it this seems a reasonable suggestion, in my opinion, it fails to realise the practicalities of the situation. In many cases the Council’s ability to manage their stock is heavily constrained. Secure tenancies mean that people do not have to move out of an under-occupied dwelling unless they want to. The right to buy also narrows the range of properties available. Taken together these factors severely limit the Council’s ability to better match the needs of their tenants within the existing housing stock.
- 7.8.65. In any case it is clear that the HNS recognises that better management of existing housing stock could increase the availability of transfer opportunities. It suggests, therefore, that only 10-15% of the total level of net need be identified as requiring re-housing in new affordable homes. In my view this is a realistic assessment of the actual level of need, bearing in mind the likelihood of exactly matching the housing needs of those in social rented housing with the existing housing stock. Consequently, I find the figure for the number of new affordable homes required to meet the needs of households in the social rented sector is entirely reasonable.

*(g) Income*

- 7.8.66. Some objectors, particularly Wilcon Development Group (1822) and English Partnerships (4172), argue that the HNS underestimates the income level of those in need. The HNS found that average income in the Borough in 1998 was £20,671. If households with no earned income are deducted the average income is assessed as £24,008. In contrast figures produced by Professor Bramley, on behalf of Wilcon Development Group, suggest that average income in the Borough should actually be around £26,000.

- 7.8.67. The objectors consider that the 23% non-response to the income question has effectively skewed the HNS’s findings on income. They are also critical of the exclusion of benefits and the inclusion of a separate savings test. It is suggested that many new households could raise a deposit through family or friends, which would not register in such a test. In addition, it is argued that the level of income that households can afford to spend on rent is underestimated.
- 7.8.68. Local data on household incomes is not currently available on a national basis. The only means of cross checking the results of an HNS is to look at sources such as the Family Expenditure Survey (FES) or the Survey of English Housing (SEH). However, as the Guide<sup>49</sup> points out these surveys are not adequate to permit disaggregation to a local level. In the circumstances, while I accept that they can provide a benchmark, I am not satisfied that they can be relied on to give an accurate indication of household income at district level. Although the National Expenditure Survey (NES) does produce earnings data on a borough level, as it is work placed based it is of limited use as a comparator.
- 7.8.69. Full details of the method by which Professor Bramley calculated the average local income have not been given. Nor is it entirely clear to which year the figure relates. It is difficult, therefore, to assess the validity of the suggested alternative figure. However, bearing in mind that the 1995/96 FES showed average gross earned household income as being between £15,650 and £17,035 I find it hard to believe that the average household income in Dacorum in 1998 would have been as high as £26,000. In this respect I note that the previous HNS found average income in 1993 to be £16,522. In percentage terms therefore average income shown in the 1998 HNS has increased by around 4% per annum. To achieve an average income of £26,000 average household income would have had to increase by 9.5% per annum, which seems extremely unlikely.
- 7.8.70. I note that Professor Bramley’s model income estimates, which seek to model down regional income distribution to the local level, suggest that on average most HNS over-estimate the level of local income by around 24%. However, I am not satisfied that it has been clearly established that the “top-down” method of assessment of local incomes used by Professor Bramley is substantially more reliable than the method of assessment used in the Dacorum HNS. Moreover, even if Professor Bramley is correct in asserting that the over-estimation of local incomes could result in the level of need being exaggerated by some 10-15% this would still leave an estimated 8,648 to 9,157 households in need within Dacorum in the period up to 2006. This is clearly a very significant level of need.
- 7.8.71. I appreciate that some 23% of respondents failed to answer the question on income. However, the Council argues that the findings of the HNS were weighted to take into account the level of non-response. Certainly judging from the Guide this level of non-response is not untypical. Indeed the Guide indicates that a loss rate of between a quarter and a third can be anticipated, which is higher than that in the Dacorum HNS. In any event even if the reduction in response rate has resulted in a slight underestimation of household income, I doubt that the effect will be significant. Indeed, the Guide accepts that it is possible the effect will be small, as under-estimation is more likely to occur with higher income households with multiple sources of income than with low income families in housing need.

- 7.8.72. The Guide does suggest that it may no longer be appropriate to apply a savings hurdle in the light of availability of 100% mortgages. However, there are clearly other costs involved with moving house and it does not seem unreasonable to include savings within any assessment of affordability. I do not consider, therefore, that the HNS method of considering savings will have resulted in the number of households who could afford market housing being seriously underestimated.
- 7.8.73. I accept that non-means tested benefits as well as savings and investments would in principle be capable of supporting a mortgage, as the Guide suggests. They should therefore be considered as part of household income. The HNS clearly fails to do this. It is possible, therefore, that it does underestimate the income of some households. I accept, however, there are difficulties in obtaining the necessary information, particularly in distinguishing between means-tested and non means-tested benefits. In any event, even if benefits had been taken into account it seems unlikely that it would have substantially reduced the actual level of need.
- 7.8.74. It is clear from the calculations undertaken by Dr Fordham, on behalf of the Council, that even a 25% uplift in income levels would not significantly alter the number of households in need who could afford market housing, bearing in mind the high cost of new housing in Dacorum. In my view, the situation is likely to have become even more pronounced since the HNS was undertaken as house prices have continued to rise rapidly since then.
- 7.8.75. In the circumstances, I am not satisfied that any underestimation of average household income in the HNS has resulted in a serious overestimation of those in need. Even if it had, I believe the rapid increase in house prices since 1998 will have more than offset any underestimation of household income in the HNS.

*(g) Concentration on existing households*

- 7.8.76. Some objectors contend that the HNS concentrates on existing households whereas emerging best practice advises that methodologies should concentrate on newly emerging households. However, it is clear from the Guide that the backlog of need among existing households is considered to be an equally important element in any assessment of housing need. The HNS clearly seeks to assess both existing and emerging need. I do not consider that it unduly concentrates on one at the expense of the other.
- 7.8.77. I note the suggestion that the level of existing need is surprisingly high and that it does not accord with the levels found in other research. However, this research appears to have been undertaken on a very different basis using national statistics. I am not satisfied, therefore, that its findings can be directly compared to those of the HNS.

*(h) Concealed households*

- 7.8.78. It is suggested that the HNS exaggerates the numbers of concealed households that will require affordable accommodation. It is argued that many young people will neither be able to predict their needs 5 years hence nor to accurately assess their ability to afford accommodation. It is also contended that as most of the concealed households consist of single people it is likely that the actual number requiring

affordable accommodation will be significantly reduced by people getting married or forming partnerships.

- 7.8.79. The HNS estimates that there are 7,897 concealed households in the Borough who need to move in the next 5 years (*7,541 single adults with no children, 79 single adults with children and 278 couples without children*). Based on those who claim to need to move in the next year and who state they cannot afford to do so it estimates that 1,039 of these households are in need. However, as some 689 households stated that they didn’t know whether they could afford market housing the HNS adds a further 379 households (55% of the “don’t knows”) to obtain a total figure of 1,418 concealed households in need.
- 7.8.80. There must be some doubt as to whether those who say they don’t know would in fact split in the same proportion on affordability as those who do. I consider that the reasons for their response would need to be analysed before one could be sure that such an assumption was valid. More importantly, data from the SEH shows that only one third of actual new households are single adults, 10% are lone parents and 60% are in couples or living with others. The Guide suggests, therefore, that this would imply a significant scaling down of the number of units required by about 31%. If this was applied to the figures in section 8 of the HNS it would suggest that 978 households might be a more accurate reflection of the housing need of concealed households within Dacorum.
- 7.8.81. The Guide indicates that a more reliable approach to the issue of concealed households is to base the profile on the characteristics of identified newly forming households in the recent past. However, as the guide acknowledges this could leave need that is suppressed or displaced by the tight housing market being uncounted. In my view, there is a strong probability that this would occur in an area like Dacorum where house prices are high relative to incomes. I can understand, therefore, why the Council has chosen not to adopt such an approach. Nevertheless, I consider that it would have provided a useful benchmark against which to assess the validity of the HNS findings on concealed households.
- 7.8.82. Without such a benchmark I am concerned that the accuracy of the Council’s assessment of the number of concealed households in need remains open to question. It is clear from the figures in section 8 that a minimum of 75% of concealed households estimated to be in need would be single adults. This figure contrasts strongly with the evidence from the SEH, which suggests that only 28% of concealed households actually form single person or one-parent households. It indicates instead that some 72% move either as a couple or to form a couple or to join a household of 3 or more persons. In my view, this casts doubt on the validity of the figures in section 8 of the HNS.
- 7.8.83. I note that the figures for concealed households in section 8 of the HNS are net. However, the level of amalgamation appears to have been based solely on individuals stated intentions. I am not satisfied, that this is sufficient to demonstrate that adequate account has been taken of the actual level of amalgamations that are likely to occur in calculating the level of need. In the light of the very wide discrepancy between the Council’s figures and those contained in the SEH I am inclined to believe that the Council’s assessment does over-estimate the number of concealed households in need.

7.8.84. I appreciate that those estimated as being in need only constitute 18% of the total number of concealed households identified in the HNS, but I have some doubts about the reliability of the latter figure. Indeed, I note that the Guide states that placing reliance on respondents anticipated housing choices more than 2 years into the future is not recommended. In the circumstances, I attach limited weight to the assessed percentage of concealed households in current need, which the Council accepts is high.

Projection of future housing need

7.8.85. Some objectors contend that the projection of future need for affordable housing is also an over-estimate as it includes an allowance for those on the Council’s transfer list. However, I am not satisfied, that the requirements of households on the transfer list will have no net effect on the future need for affordable housing, as the objectors suggest. Not all properties that are released will be suitable to accommodate other households that are in need.

7.8.86. More importantly, the transfer list is the only available objective source of data to assess future needs of Council tenants. I consider therefore that it is reasonable for it to be used for this purpose. My view is strengthened by the advice in section 4.6 of the Guide, which suggests that it is necessary to undertake similar calculations in respect of both the housing register and the transfer list when seeking to project need.

7.8.87. Whether or not the needs of those on the transfer list can be met by relets of existing social housing is a separate stage in the calculation. In this regard, however, I note from the data in Appendix 3 of the HNS that the percentage of those on the transfer list who have been rehoused each year has dropped from 60% in 1993-1994 to only 29% in 1997-98.

7.8.88. I note the suggestion that there is a possibility that double counting has taken place in respect of those identified as homeless in chapter 8 of the HNS as they could also appear on the waiting list. However, the HNS specifically excluded those accepted as homeless who were already on the waiting list. I am not satisfied, therefore, that the figures in the HNS include an element of double counting.

7.8.89. I do have some concerns about the derivation of the trends in tables 10.1 and 10.2 of the HNS. Although there has been a net increase in those in need on the waiting list over the last three years of the five-year period for which the data was considered, this increase fluctuated significantly during the period. It is not entirely clear, therefore, why it was considered appropriate to assume an annual level of need which is some 6% higher than the overall average figure for the five-year period. However, the increase is very modest. More importantly it is lower than the average for the last three years of the period, which is one of the approaches suggested in the Guide for calculating future needs.

7.8.90. I am not satisfied, therefore, that it is reasonable to conclude that the assumptions used in tables 10.1 and 10.2 have significantly overestimated the level of future need. I would agree, however, that in the light of the significant fluctuations it will be important for the Council to closely monitor future movements onto and off the waiting and transfer lists to ensure that the projected level of need remains as accurate as possible.

- 7.8.91. Turning to the suggestion that the net increase in housing need is too high when compared with the expected supply of new dwellings, I am not satisfied that one should assume that the net increase will always constitute a small fraction of the projected increase in the number of households. It seems to me that there are a large number of factors that need to be taken into account in assessing total need. In particular, the possibility that some of the need will have had to be met by migration. In these circumstances, I do not consider the fact that the total annual need would constitute some 70% of the projected increase in households is necessarily excessive.
- 7.8.92. In respect of the future supply of dwellings, I consider the implied criticism of the projected supply figures of 500 lettings and 325 transfers is also unfounded. Council rented stock declined by some 9.5% between 1993 and 1998 owing to Right to Buy (RTB) sales. It is apparent from CD57A that it declined a further 2.2% in 1999. The evidence indicates that additional relets from Housing Association stock are not matching this decline. It seems likely therefore that the stock of available dwellings will continue to diminish. In the circumstances, I consider that it is entirely reasonable for the Council to use slightly lower figures for the projected supply of new lettings and transfers than would be predicted from the average lettings and transfers for the period from 1994 to 1998.

Other matters

*(a) Findings of the Elmbridge Inspector*

- 7.8.93. A number of objectors have sought to use the findings of the Inspector who considered the Replacement Elmbridge Local Plan in June 1999 to support their critique of the Dacorum HNS. However, although the HNS in Elmbridge was also carried out by Fordham Research Limited, there do appear to have been a number of significant differences between the two studies. Firstly, the survey method at Elmbridge was a hybrid of a personal interview survey with a subordinate postal questionnaire, whereas in Dacorum it relied solely on personal interviews. Secondly the Elmbridge Study does not appear to have used data from the Council’s housing register.
- 7.8.94. In addition, while the Elmbridge Inspector was critical of the amount of need calculated to come from concealed households in that case this constituted nearly 60% of current need. In contrast in Dacorum concealed households were found to constitute only 27% of total current need. In the circumstances, I do not consider the situation in Elmbridge is comparable with that in Dacorum.
- 7.8.95. In any event it is quite clear that despite her criticisms of its methodology she was not satisfied that the HNS was so suspect as to invalidate its findings. She considered that it provided sufficient evidence of need to warrant the inclusion of a policy on affordable housing. I am not satisfied therefore that her conclusions would warrant my rejecting the 1998 Dacorum HNS on the basis that its methodology is defective.

*(b) Other matters*

- 7.8.96. A number of other criticisms have also been made of the HNS, including the small size of the sample, the lack of triangulation and cross-referencing and the adding of existing stocks to flows from newly forming households. It is clear from the Guide that the sample size fits within the range that is considered to be statistically robust.

Although triangulation can be useful the availability of relevant data on a district basis is limited. I am not satisfied that cross-referencing would therefore have been particularly useful in this case. It is clear from the Guide that existing stocks should not be added to flows of newly forming households to estimate the total housing need. Indeed, the Council’s witness conceded this at the RTS. However, there is no evidence that this has led to a significant over-estimation of the level of need identified in the HNS. I am not satisfied therefore that these or any of the other criticisms that have been raised are sufficient to invalidate the findings of the HNS.

### Conclusions on HNS

- 7.8.97. Although I have found some weaknesses in the methodology of the 1998 HNS, particularly in respect of the number of concealed households in need, I do not consider that these are of such substance as to seriously undermine its overall value. The Council will obviously need to take into account the advice in the Guide when they undertake the next HNS. However, I do not believe that the differences between the approach recommend in the Guide and that used in the 1998 HNS are so substantial as to warrant the Council being required to undertake a further survey prior to the adoption of the Local Plan. I am fully satisfied that the conclusion of the HNS that there is a substantial level of housing need in Dacorum, well in excess of the figure contained in Policy 21, is sufficiently robust to justify the inclusion of a policy on affordable housing within the Local Plan.

### The Overall Target

#### ***(f) Is it appropriate and achievable***

- 7.8.98. Both Circular 6/98 and PPG3 make clear that local plan policies on affordable housing should set out a general target for the number of affordable homes required in the area. I am satisfied therefore that the inclusion of a target figure for the total amount of affordable housing that is sought during the Plan period is entirely reasonable and accords with national advice.
- 7.8.99. Policy 10 of the Structure Plan does not set an overall target for affordable housing. The supporting text does suggest that in taking forward Structure Plan Policy 10 in relevant local plan policies a figure normally between 25% and 40% affordable housing is considered appropriate for most market sector led developments. However, this advice is, in my view, more pertinent to the setting of individual site targets rather than to the overall target. I do not consider, therefore, that the requirement in Policy 21 for some 40% of the total new housing provision to be provided as affordable housing is in direct conflict with the aims of Policy 10 of the Structure Plan.
- 7.8.100. In any case, it is necessary to bear in mind that things have moved forward since the Structure Plan was adopted. There is every indication that a higher level of affordable housing will be needed than was envisaged in 1998. This is reflected in the recent provisional indicator included in RPG9, which amounts to nearly 50% of the total annual dwelling provision for ROSE. Within this context I do not consider an overall target of 40% would be contrary to national, regional or strategic policy.
- 7.8.101. The total net level of need for the period up until 2006 was established in the 1998 HNS as 10,174 households. From this the HNS concluded that some 3,000 to 4,600

additional affordable dwellings would be needed to meet the need in full. This has since been refined by the Council to a single figure of 3,650 dwellings by 2006 and projected forward to a need for 4,425 dwellings by 2011.

- 7.8.102. It is clear from these figures that even if the HNS has over-estimated the actual level of need the target figure for the amount of affordable housing sought under Policy 21 would be unlikely to meet the actual need in full. Indeed if the projected figures for 2011 can be relied on it would only meet some 65% of the need. In the circumstances, I do not consider that the target figure of 2,900 affordable dwellings is, in itself, unreasonable. My view is strengthened by the fact that this would represent an annual completion rate of 145 dwellings per annum which equates exactly with the level of annual need that is predicted by Professor Bramley using his “affordability-based needs model”.
- 7.8.103. However, although the Council contends that the target is an aspirational one, I believe that the question does need to be asked as to how achievable it is in reality. By 1999 (i.e. 8 years into the Plan period) only 664 affordable dwellings had been provided, which represents an annual completion rate of 83 dwellings per annum. This means that to achieve the target in Policy 21 some 2236 additional affordable dwellings would have to be provided within the remaining 12 years of the Plan. This would represent an annual completion rate of approximately 186 dwellings per annum. Effectively therefore there would need to be a 124% increase in current completion rates. I do not think there is even the remotest possibility that such a significant increase could be achieved.
- 7.8.104. More importantly, the provision of 2236 affordable dwellings constitutes over 52 % of the remaining Structure Plan housing requirement, referred to in Policy 17. Even if all the individual targets for the housing proposal sites identified in the original Deposit Draft, excluding Part III sites, were met this would only provide some 723 affordable dwellings<sup>52</sup>. The remaining 1513 dwellings would have to either be provided on unidentified sites or by purchase of existing satisfactory dwellings or by the reuse of empty properties. Even if the current rate of purchases can be maintained this would only equate to 180 additional dwellings over the remainder of the Plan period. This would leave 1333 dwellings to come from unidentified sites or from the reuse of empty properties. This would equate to over 65% of the unidentified site target. As many of the unidentified sites are likely to be below the minimum threshold and most will be on previously developed land in the urban area where remedial works may well be required there seems little prospect of this being achievable.
- 7.8.105. The situation would not be significantly different if the sites put forward in the pre-inquiry changes were developed instead. Even though my recommendation to increase the number of dwellings on identified sites may raise the overall amount of affordable housing, I am not satisfied that this would be sufficient to ensure that the target figure in Policy 21 could be met. I appreciate that some additional affordable dwellings may be provided by Housing Associations stepping up their purchase of existing properties but I very much doubt that they would have sufficient funding to make up the shortfall.

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<sup>52</sup> This figure exclude those sites which had already been completed by 1 April 1999, as the affordable housing on these sites has already been included in the 664 affordable housing completions.

- 7.8.106. Consequently, I find the target of 2,900 affordable dwellings is unrealistic. In my view it would be judicious to set a more achievable target. This would be more likely to be supported in the event of an appeal were the Council to decide to refuse permission for a development that failed to provide the necessary level of affordable housing.
- 7.8.107. I have, therefore, gone on to consider what would be an appropriate overall target. Apportioning the current target by dividing it by 20 and multiplying the result by 12 to reflect the remaining Plan period (i.e. 1999 to 2011) would not, in my view, be a sensible approach. The resultant target of 1760 dwellings would still require an annual completion rate of 145 affordable dwellings to be achieved for the remainder of the Plan period. This would constitute a 75% increase on current rates. I believe even this lower target is extremely unlikely to be achievable.
- 7.8.108. The target the Council has set in its 3-year housing strategy is 100 dwellings per annum. In my view this is far more realistic. Judging from the fact that some 94 affordable dwellings were provided in 1988/99 it would be relatively easy to achieve. However, the current housing strategy only goes up to 2003. It is possible that over the longer period of the Plan a higher annual target may actually be achievable. With greater emphasis on bringing back empty properties into use I believe that it might be possible to achieve the target of 30 units a year under the Council’s Empty Homes Initiative by the end of the Plan period. When this is considered together with the affordable housing likely to come forward from the Council’s Existing Satisfactory Programme this could eventually provide some 45 dwellings a year.
- 7.8.109. If the identified sites were to achieve their indicative targets this could achieve in the region of 840 additional affordable dwellings. If current rates continue on unidentified sites some 19% of dwellings from this source would also be affordable. Unidentified sites could, therefore provide a further 282 affordable dwellings, based on the figure I have recommended for unidentified sites in paragraph 7.4.174 of my report. In total these 3 sources could potentially provide some 139 affordable dwellings per year. Over the remaining 12-year period this would result in some 1662 additional affordable dwellings being provided.
- 7.8.110. However, in my view the Council’s own initiatives are unlikely to be able to achieve the target of 45 dwellings within the next few years, bearing in mind they are currently expected to produce only 25 dwellings a year. I consider therefore that it would be more appropriate to assume that the number of dwellings coming forward from this source will rise gradually over the rest of the Plan period. In my view it would be sensible, therefore, to assume 25 dwellings per year coming forward from this source until 2002, 30 until 2005, 35 until 2008 and 40 until 2011. This would provide some 390 dwellings in total during the remainder of the Plan period.
- 7.8.111. If this is added to the housing that can be expected to come forward from identified and unidentified sites I consider that some 1512 affordable homes could be provided during the Plan period. Since it is possible that not all the indicative targets in the Schedule of Housing Proposal sites will be met I believe that it would be sensible to round this down to 1500 dwellings. This target would be equivalent to an annual completion rate of 125 dwellings, which would be a 50% increase on current rates. In my view this is far more likely to be attainable.

- 7.8.112. I consider, therefore, that it would be more appropriate for Policy 21 to set an indicative overall target of 1500 dwellings for the period between 1 April 1999 and 31 March 2011. I appreciate that this will fall well short of the actual level of need but in my view it would be a much more realistic and achievable target. It would always be open to the Council to increase this target at the next review if it looks by then that a higher overall figure could be achieved. I, therefore recommend that Policy 21 be modified by the deletion of the figure of 2900 affordable homes and the substitution therefore of the figure of 1500, subject to it being made clear that the revised target relates to the period 1 April 1999 to 31 March 2011.
- 7.8.113. If, however, the Council should decide to modify the figures in Policy 17 to relate to the period 1 April 2001 to 31 March 2011 I consider that in order to be consistent they will need to do the same in respect of the target figure in Policy 21.

The definition of affordable housing and the role of the private sector

**(g) *Low-cost market housing or other alternative forms of tenure***

- 7.8.114. As I have already indicated in paragraphs 7.7.36 to 7.7.39 I consider that the Council has not provided an adequate definition of affordable housing in line with the advice in national guidance. While I accept that the role of other forms of tenure may be limited, I believe that Policy 21 and its supporting text, particularly paragraph 7.56, is too restrictive in seeking to effectively rule out low cost market housing.
- 7.8.115. Having said this I accept that it is clear from the HNS that the prices of most new-build properties are significantly higher than the average price for similarly sized second-hand properties. None of those judged to be in housing need in the HNS would be able to afford even the cheapest property on a new development at normal market prices. Indeed, as the average price of 2, 3 and 4-bedroom second hand dwellings is between 28 to 38% cheaper than the price of similar new-build properties, it seems unlikely that any of those in need could afford the latter, even if the price was substantially discounted. The effect is even greater if one compares the price of new dwellings with the minimum second hand prices.
- 7.8.116. I appreciate that Wilcon Development Group believes that it could provide market housing at an affordable cost. However, I am not satisfied from the evidence that they have presented that this would be practicable in respect of 2, 3 or 4-bedroom dwellings. It is clear that in the past the maximum discount offered by developers has been in the range of 10 - 20%. Although it may not be impossible for a developer to offer some dwellings at a greater discount, I consider that it is unlikely to be viable for them to provide more than a minimal amount of housing at such a low price. I am not satisfied, therefore, that low-cost or discounted market housing is going to make any appreciable contribution to meeting the need for affordable housing in respect of 2, 3 or 4 bedroom dwellings.
- 7.8.117. In contrast the price differential between new and second hand one-bedroom dwellings is far less significant. The figures in table 15.1 of the HNS indicate that the price of a new one-bedroom dwelling in 1997 was only 15% higher than the minimum price of a similar second hand dwelling. It seems likely therefore that if new one-bedroom properties could be offered at a discount of more than 20% they could make a small contribution to meeting the current need for affordable housing particularly for those

who are not currently in social rented accommodation. I consider, therefore, that discounted market housing could make a minor contribution to meeting current needs for affordable housing with regard to one-bedroom properties.

- 7.8.118. In this regard, I note that the Council accepted at the RTS that a more general and less exclusive wording for paragraph 7.56 would not be unreasonable. It is also clear from LPA Doc. No. 544 that the Council accepts that on some sites there may be a role for agencies other than a registered social landlord. I consider, therefore, that the wording of both Policy 21 and the supporting text should be modified to take account of the role that subsidised or discounted market housing might play in meeting housing need.
- 7.8.119. In terms of shared ownership schemes I acknowledge the view of many objectors that they could play a larger role than is suggested in Policy 21. However, based on the cost of such schemes and the levels of income of those in need, I doubt that this form of tenure will play a significant role in meeting the need for affordable housing in Dacorum. In the circumstances, I do not consider it is unreasonable for Policy 21 to refer to a small amount of shared ownership properties. I am concerned, however, with the attempt in paragraph 7.66 to effectively set a maximum level for this form of tenure. In my view the exact amount of shared ownership housing that may be appropriate will depend upon the circumstances that exist at any given time. I do not consider it reasonable, therefore, to seek to set a specific annual cap on this type of tenure. Paragraph 7.66 should therefore be deleted.
- 7.8.120. In reaching my conclusions on this issue, I have taken account of the findings of the Inspector who reported on the objections to the Alterations to the East Hertfordshire Local Plan in 1997. However, although he considered that the Council’s decision to exclude low-cost market housing reflected local circumstances, I note that the definition used in the East Hertfordshire Local Plan was generally much broader based than the one in Policy 21 of the DBLP. More importantly, he concluded, in paragraph 4.61 of his report, that the East Hertfordshire Council’s attempt to limit the type of affordable housing to properties rented at an affordable rent would be inconsistent with the advice of the previous version of PPG3. In the circumstances, I am not satisfied his findings warrant amending my conclusions in respect to the objections to Policy 21 of the DBLP.

**(h) *The role of the private rented sector***

- 7.8.121. It is generally accepted that rental costs are normally higher than mortgage costs for a similar property. Appendix A5 of the HNS shows that the average rental cost of a 2-bedroom property in 1998 was £132 per week. If one uses a threshold level of 30% of net income this would require a total net income of £22,880 a year. Even at the bottom end of the private rental market the minimum rental price for a one-bedroom property is £101. This would still require a net annual income of over £17,500.
- 7.8.122. It seems unlikely, therefore, that many of those who were found to be in housing need by the 1998 HNS would be able to afford to rent privately. Even if a private landlord was prepared to offer a discount on normal market rents, which in my view is unlikely to be viable in the longer term, this would have to be very substantial to be affordable to those in need. Moreover, it would appear from the evidence of the HNS that some 36% of households in private rented housing are already in need. I doubt, therefore,

that private rental accommodation will have a significant role to play in meeting housing need in Dacorum.

Reserve housing sites

**(i) *The release of reserve sites for affordable housing***

7.8.123. I have already indicated in paragraphs 7.5.46 and 7.5.47 of my report that I do not consider the early release of large greenfield sites on the edge of the main urban areas can be justified on the basis that they would provide affordable housing. I appreciate that the contribution made by the sites identified in Parts I and II of the housing schedule, together with the provision from unidentified sites and other sources, will be insufficient to meet the need for affordable housing. Nevertheless, I consider that using large tracts of greenfield land to provide such housing, where there is no clear evidence that the land will definitely be required to meet the total housing requirement set in the Structure Plan, would be in direct conflict with Government Advice. I therefore consider that it is inappropriate.

7.8.124. However, although Policy 21 makes provision for affordable housing to be provided through the early release of land restrained under Policy 18, if my recommendations for that policy are adopted this would only relate to unidentified greenfield sites. Consequently, I find no need for Policy 21 to be modified in this respect.

7.8.125. It would however be sensible for the reference to the Part III sites in paragraph 7.70 to be deleted in the light of my earlier recommendation that these sites should be omitted from the Plan. The figures in paragraphs 7.69 and 7.70 should also be updated and/or modified in order to be consistent with the other changes I have recommended.

Thresholds

**(j) *The use of the word “normally”***

7.8.126. In my view, the use of the word “normally” in the context of defining the appropriate size of sites for which affordable housing will be sort is both unnecessary and inapt. Exception sites within the rural area are addressed under Policy 26. The possibility of larger sites being developed in smaller parcels to get round the thresholds is dealt with in Policy 21. It seems to me therefore that the relevant exceptions are already covered.

7.8.127. To allow for the possibility of affordable housing being sought on other unspecified sites which fall below the thresholds set under Policy 21 would, in my view, conflict with the advice in Circular 6/98. In the circumstances, I consider that the word “normally” should be deleted from Policy 21. I recommend the Plan be modified accordingly in response to this aspect of objection 4250.

**(k) *The appropriate size and number of thresholds***

**(a) *The threshold for the towns***

7.8.128. The threshold for towns included in Policy 21 accords with that set out in Circular 6/98. However, at least one objector has suggested that the need for affordable

housing in the Borough justifies setting a lower threshold of 0.5ha or 15 dwellings throughout Dacorum. Although I have found that it is unlikely that the need for affordable housing will be met during the Plan period, I am not satisfied that local constraints are sufficiently exceptional to warrant adopting a lower standard universally throughout the Borough.

- 7.8.129. Unlike many other districts in the County, Dacorum has been identified as being suitable for a strategic development of some 1000 dwellings on greenfield land. There is no doubt, in my view, that higher levels of affordable housing are more likely to be viable on such sites than on previously developed sites within the urban area. I consider, therefore, that Dacorum should be able to achieve a much higher provision of affordable housing than neighbouring districts. Consequently, I do not believe it would be appropriate in this context to seek to reduce the normal minimum threshold in Hemel Hempstead.
- 7.8.130. I note that the Council conceded at the RTS that a lower threshold might be appropriate for Berkhamsted and Tring. However, it is clear from paragraph 5.3.5 of CD57A that the housing programme would exceed the proportion of total housing needs for Berkhamsted. The excess would be even greater if my recommendations regarding the inclusion of additional sites in Berkhamsted are adopted. I see no need, therefore, for a lower threshold to be set for Berkhamsted.
- 7.8.131. In contrast, it is apparent from table 13 of CD57A that the proposed housing programme would not meet affordable housing needs in Tring. Although the level of need is small in comparison to that in Hemel Hempstead, I consider, nevertheless, that it is important that it should be addressed. The housing programme contains very few identified sites in Tring and none are above the one-hectare threshold. In view of the significant constraints placed on further housing development in the town, due to the limited capacity of existing services, it seems unlikely that any unidentified sites that come forward would be above the standard threshold size. I appreciate that the inclusion of the site at Dundale (*see section 7.62 of the report*) may permit some affordable housing to be sought as part of its development, but this would be insufficient to address the current level of need in Tring.
- 7.8.132. In these circumstances, I consider that local constraints in Tring are sufficiently exceptional to justify setting a lower threshold for the town. In my view, it would be appropriate to set a threshold of 0.5 hectares, similar to that proposed for the larger villages, in the light of the limited number of housing sites that are likely to come forward. My view is strengthened by the fact that Tring also serves an extensive rural hinterland where total housing need is considerably higher.

*(b) The threshold for large villages*

- 7.8.133. In addition to the standard threshold in the towns Policy 21 also proposes a lower threshold of 0.5 hectares or 15 dwellings for the three large villages. Only 2 of the housing sites identified within these villages would fall within the standard threshold. However, site H42 in Bovington has already been completed and the site at Kings Langley (H55) is now proposed for deletion under PIC53. In any case as it is included in Part III of the Schedule there can be no certainty it would have provided any affordable housing within the Plan period.

- 7.8.134. I consider that the prospect of an unidentified site of 1 hectare or over coming forward in any of these settlements during the Plan period is extremely limited, owing to their small size, the relatively dense nature of their built form and the limited amount of brownfield land available. It seems unlikely, therefore, that any affordable housing would be achieved in the 3 villages under the standard threshold with the possible exception of the site at Manor Farm, Markyate, which I have recommended should be included in the Plan (*see paragraph 7.61.31 of my report*). Consequently, unless the threshold is reduced, the provision of affordable housing is liable to be largely restricted at best to a small number of properties the Council is able to acquire under its Existing Satisfactory Programme.
- 7.8.135. If the lower standard proposed in the Plan was adopted this would allow provision to be sought on the identified sites in Kings Langley (H43) and Markyate (H44 & H45), if the latter are retained in the Plan. It would also enable affordable housing to be sought on smaller unidentified sites.
- 7.8.136. The 1998 HNS establishes that over 19% of the total housing need exists within the rural area of the Borough. Within this context I consider that the local constraints within these settlements are sufficiently exceptional to warrant setting the lower threshold proposed in the Plan.
- 7.8.137. I note the suggestion that Policy 21 should make clear that the lower threshold would only be applied where exceptional local constraints apply. However, I am satisfied for the reasons I give above that such constraints are applicable to all three settlements. I see no need therefore for Policy 21 to limit the circumstances under which the lower threshold would operate within these settlements. I am concerned however that the reference to “larger villages” could be open to misinterpretation as it is not clear from the wording of the policy or its supporting text that this is intended to refer solely to the large villages identified under Policy 2. I consider, therefore, the policy would be clearer if it referred to the 3 settlements by name.
- 7.8.138. Both Bovington and Kings Langley have a population of over 3000. In contrast, the population of Markyate is just under 3000. Nevertheless, I am not satisfied that this is sufficient reason to treat this settlement differently. The Plan proposes twice as much new housing on identified sites in Markyate, within the Plan period, as that proposed in Kings Langley and almost as much as in Bovington. In the circumstances, I consider that it is likely that a threshold of 0.5 hectares would be sufficient to provide a reasonable amount of affordable housing in Markyate. In the absence of any evidence to suggest that Markyate has a higher level of need than the other two villages I do not consider that the circumstances warrant setting a lower threshold for it. Consequently, I support the inclusion of a threshold of 0.5 hectares or 15 dwellings in respect of the 3 large villages identified under Policy 2 of the Plan.

*(c) The inclusion of a lower threshold for smaller settlements*

- 7.8.139. A number of objectors argue that the Plan should include a lower threshold for rural settlements with populations of fewer than 3000, in line with the advice of Circular 6/98. The Council accepts these objections and proposes under PIC27 to introduce a third threshold of 0.2 hectares or 5 dwellings in the remaining area of the Borough outside the towns and larger villages.

- 7.8.140. It is clear from the 1998 HNS that a considerable amount of housing need exists within the rural area. It is also apparent that because of the constraints of the Green Belt and AONB further development within existing settlements in the rural area will be restricted. Indeed, the Plan only identifies 2 housing sites within small villages and countryside. The first (H48) is for 6 houseboats and the second (H49) is for 11 dwellings at Little Gaddesden. Both of these developments have been completed.
- 7.8.141. An additional site is now proposed under PIC59 for 10 houses at Wilstone. This would be the only identified housing site in the rural area for which the Plan seeks to set an indicative target for affordable housing. Outline planning permission has already been granted for 13 dwellings on this site and it seems unlikely that this site will provide more than 3 affordable dwellings.
- 7.8.142. Development on unidentified sites within the small villages listed under Policy 4 would be limited to 2 dwellings. There may be some scope for larger sites to come forward within the small villages covered by Policy 6, but, in my view this is likely to be very limited, bearing in mind the available space within the settlements and the tight boundaries that have been drawn around them. In the circumstances, it seems extremely doubtful that a significant quantity of affordable housing would come forward from unidentified sites within the smaller rural settlements under the original thresholds proposed in the Deposit Draft.
- 7.8.143. I appreciate that under Policy 26 larger sites or sites outside the village boundaries could be brought forward for affordable housing as an exception to the normal development strategy. However, I do not consider it would be appropriate to rely on this as the main source of affordable housing in the rural area, especially if there is a possibility of achieving affordable housing on sites within the villages which are developed in accordance with the general development strategy.
- 7.8.144. In the circumstances, I find that the significant need for affordable housing in the rural area combined with the limited amount of housing land available for development and the tight constraints imposed by the Green Belt and AONB, warrant introducing a lower threshold in respect of the rural area. I note the arguments that registered social landlords are unwilling to manage small numbers of affordable dwellings. However, I am not satisfied that it would be impossible to find a housing association or other similar organisation to manage such dwellings within the rural villages. In my view, the suggested threshold of 0.2 hectares or 5 dwellings is a reasonable compromise between need and the viability of development. I, therefore, endorse the principle of the additional threshold proposed under PIC27.
- 7.8.145. However, I have reservations about the wording of the proposed pre-inquiry change. The reference to affordable housing being sought at this lower threshold “elsewhere” would suggest that it could be imposed on any development of 5 dwellings or over within any part of the rural area including the open countryside. In my view, this does not accord with the advice in Circular 6/98, which suggests lower thresholds are only appropriate in rural settlements with populations of 3,000 or fewer. I believe, therefore, that it would be more appropriate for the lower threshold to be limited to specific settlements rather than to the rural area in general.
- 7.8.146. I am also concerned that many of the smallest rural settlements have no services and relatively poor access to public transport. Most of those likely to occupy affordable

housing will be on very low incomes. Many may not have access to their own transport. I consider that it would be contrary to the principles of sustainable development to seek to locate affordable housing either in the countryside or in very small settlements that do not have a basic minimum level of services. In the circumstances, I conclude that the additional threshold should relate solely to the villages identified under Policies 4 and 6 of the Plan.

- 7.8.147. I, therefore recommend that the Plan be modified to include a third threshold of 0.2 hectares in area or capable of accommodating 5 dwellings as proposed under PIC27, subject to it being amended to relate to the villages of Aldbury, Chipperfield, Flamstead, Long Marston, Potten End, Wigginton and Wilstone only. The supporting text should also be amended to explain why these villages have been identified.
- 7.8.148. In reaching this conclusion, I have taken account of the fact that the level and type of housing required has not as yet been individually identified for each of these settlements. However, while I have recommended that this should be addressed in due course by undertaking detailed assessments for each settlement, particularly in the northern part of the Borough, I do not consider that it would be reasonable to delay the imposition of the lower threshold in the meantime. There is clear evidence of a significant need for affordable housing within the rural parts of the Borough. It is obvious that this would not be met without the lower threshold. In my view, therefore, it is important that immediate action is taken to address this need. Postponing its introduction to a later date would only serve to exacerbate existing problems.
- 7.8.149. I am satisfied that the inclusion of a reference to new housing needs assessments under FC46 would help to ensure that appropriate decisions are made in respect of the type, size and mix of affordable housing units in the rural area. I accept that in the light of this change it would be appropriate for a similar amendment to be made to paragraph 7.61 of the background text as suggested in FC45. However, I consider that the Policy should make clear that the Council would have regard to the latest surveys and assessments. I, therefore, endorse FC45 and FC46, subject to Policy 21 making clear that the Council will have regard to the latest surveys and assessments. I recommend that the Plan should be modified accordingly.

Proportion of affordable housing on redevelopment, very large and “greenfield” sites

**(l) *The appropriateness of having general targets for different categories of site***

- 7.8.150. Although Policy 21 does not seek to impose specific targets for different categories of site it does indicate that the Council generally expects a minimum of 20% of homes on redeveloped sites to be affordable with a much higher level being provided on large sites and greenfield sites. Paragraph 7.75 of the supporting text also indicates that the amount of affordable housing sought on urban sites will increase in proportion to the size of the site, with the largest sites being expected to provide some 35% of the proposed dwellings in the form of affordable units.
- 7.8.151. Unlike earlier advice neither Circular 6/98 nor PPG3 specifically discourages the setting of general indicative targets for affordable housing in development plan policies. However, it does not encourage such an approach either. Indeed, as both Circular 6/98 and PPG3 stress the need for flexibility, I consider that the inclusion of

standard targets for all housing sites would normally be inappropriate and contrary to the aims of national guidance.

- 7.8.152. However, in my opinion, Policy 21 does not actually do this. All it seeks to do is to indicate a general minimum level that the Council would have regard to in negotiating the appropriate amount of affordable housing for a particular site. Clearly this would not prevent a lower level of affordable housing being negotiated where this was justified by the particular circumstances of the site. I am not persuaded, therefore, that the inclusion of a minimum figure is unreasonably restrictive. Indeed, I consider that its inclusion is likely to be helpful to developers of unidentified sites as it gives a clear starting point for any negotiation.
- 7.8.153. I appreciate the concern raised about the reference to “much higher levels” being appropriate on very large sites and greenfield sites. However, there is no doubt in my mind that in most cases the provision of higher levels of affordable housing on larger sites and greenfield sites is likely to be viable. Since the 1998 HNS has established that there is a very substantial need for affordable housing within the Borough I do not consider that it is unreasonable for the Council to seek higher levels on such sites. The wording of Policy 21 does not specify the actual amount of affordable housing that will be sought on such sites. In the circumstances, I do not consider the inclusion of a general reference to a higher level being sought on such sites is unduly constraining. Neither in my view does it conflict with the policy’s criteria based approach.
- 7.8.154. I question, however, whether the reference to “much higher levels” is entirely appropriate. In my view, this suggests a very significant increase over the minimum figure. The wording of paragraph 7.75 indicates that the maximum amount that is likely to be sought on large redevelopment sites would be 35%. It is debatable, in my view, whether this can genuinely be considered to constitute a much higher level than the 20% minimum. I conclude, therefore, that it would be better if the word “much” was deleted and I recommend that Policy 21 should be modified accordingly.
- 7.8.155. As for the concerns about requiring higher levels of affordable housing on greenfield sites, I consider that in general terms such an approach is equitable given the local circumstances and the likely costs of developing such sites. In my view it would not conflict with Government advice. I am not satisfied therefore that there is any need to modify the reference to higher levels being sought on greenfield sites.

**(m) *Redevelopment sites – 20% or 25%***

- 7.8.156. The fact that Policy 21 indicates that the Council has a general expectation that redevelopment sites will provide a minimum of 20% affordable housing does not mean that this is the amount that will be sought on all such sites. There would be nothing to stop the Council seeking higher levels of provision on such sites if they considered that this would be appropriate. However, there can be no doubt that the redevelopment of some brownfield sites will involve substantial reclamation costs. This could have a significant impact on the viability of providing affordable housing, especially in respect of smaller sites. In the circumstances, I do not consider that it would be right to raise the minimum figure to 25%, as suggested by the objectors.
- 7.8.157. I am satisfied that the other criteria included in Policy 21 should allow the Council to properly assess the exact level of affordable housing that would be appropriate on a

particular site as part of the overall ‘planning gain’ package. I see no need therefore for the Plan to be modified in response to this aspect of objections 1524 and 4531.

### Individual site targets

#### **(n) *Level and application of targets to individual sites***

- 7.8.158. Both Circular 6/98 and PPG3 make clear that development plans should set targets for affordable housing on specific suitable sites. I find, therefore that the inclusion of targets for appropriate sites within the Schedule of Housing Proposals Sites accords in general terms with Government advice. However, national advice makes clear that such targets should be indicative. Although the Council maintains that the percentages included in the Schedule comply with this advice, I am not satisfied that this is entirely clear. I believe that the wording of Policy 21 would conform more closely to Government advice if the word ‘indicative’ was substituted for the word “specific” in the third sub-clause (b), which refers to the targets listed in the Schedule of Housing Proposal Sites.
- 7.8.159. In the light of the findings of the 1998 HNS, I am satisfied that there is a substantial housing need throughout the Borough, especially in Hemel Hempstead. I see no need, therefore, for each site to be assessed on the basis of a local needs survey.
- 7.8.160. As to whether the target range is set too high, I believe that it is not disproportionate when viewed in the context of the level of need identified in the 1998 HNS and the indicator figures in RPG9. It is clear that even with these targets there is no reasonable prospect of the identified need being met during the Plan period. The evidence of the study done by Fordham Research Limited on the larger greenfield sites (CD62) suggests that the levels of affordable housing sought in the Plan would not make development of those sites unviable. The criteria in Policy 21 would allow a more detailed assessment of the appropriate amount of affordable housing to be undertaken at the time that a planning application was considered. In the circumstances, I do not consider that the range of targets for individual sites is set too high.
- 7.8.161. I note the suggestion that the targets do not accord with the advice in paragraph 196 of the Structure Plan Review. However, Government advice makes clear that local housing strategies are essentially a matter for local authorities with their knowledge of local circumstances. In the circumstances, I do not consider that the figures contained within the Structure Plan Review should determine the appropriate level of affordable housing that should be sought in the Borough. My view, is strengthened by the fact that the figures in paragraph 196 of the SPR form part of the Explanatory Memorandum and are in any case now some years out of date.
- 7.8.162. Moreover, it is clear from the wording of paragraph 196 that the range of 25-40% of affordable housing is seen as being appropriate in respect of most market sector-led developments. Consequently, it does not preclude higher percentages being sought on some sites. Indeed, it is apparent from the latter part of the paragraph that the County Council envisages the strategic housing sites at Stevenage and Hemel Hempstead as key locations for the provision of substantial proportions of affordable housing for rent. Within this framework, I do not consider that setting indicative targets of 50% of affordable housing on some of the strategic greenfield sites in Dacorum would conflict with the objectives of the SPR.

7.8.163. However, it is clear that the reference in paragraph 7.57 of the DBLP, which states that the SPR suggests that a range of 30-40% of all new dwellings should be social rented accommodation, is inaccurate. In my view, these figures need to be amended to correctly reflect the text of the adopted SPR. I recommend, therefore, that paragraph 7.57 of the supporting text should be modified to refer to a range of 25-40%.

7.8.164. In respect of the other issues that have been raised relating to the specific amount of affordable housing sought on particular sites, I believe these are best dealt with in conjunction with the other site-specific objections to the site in question. I shall, therefore, address those elements of the objections to Policy 21 that relate to specific targets for individual sites later in this chapter.

**(o) *Effect on larger identified sites and method of achieving provision***

7.8.165. In my view the setting of indicative targets for larger identified sites accords with the advice in Circular 6/98 and PPG3. Policy 21 clearly allows for the exact amount of affordable housing to be negotiated on the basis of the criteria set out in the policy. In my view, this is entirely in line with the general thrust of national guidance. Consequently, I do not see any need for the policy to be modified in order to give greater emphasis to the negotiation of agreements at the development control stage. I, therefore, recommend no modification be made to the Plan in answer to this element of objections 1822, 4778, 4784 and 4788.

Commuted payments

**(p) *Whether policy should give greater encouragement and whether it should include criteria for assessing when such payments are appropriate.***

7.8.166. Paragraph 21 of Circular 6/98 makes clear that where there is a requirement for an element of affordable housing it should normally be provided as part of the proposed development. Although paragraph 22 gives guidance on situations where it is considered preferable for a financial or other contribution to be made towards the provision of affordable housing on another site, it is apparent from the comments in the preceding paragraph that such situations are expected to be uncommon. The advice goes on to state that these arrangements should not be used in respect of application sites that are inherently unsuitable for the provision of affordable housing. In the circumstances, I find no justification for the policy to give greater encouragement to commuted payments than it already does.

7.8.167. Since the acceptance of commuted payments is likely to be the exception rather than the rule I do not believe it is necessary for the policy to include more detailed criteria as to when such payments would be appropriate or how the level of payment should be calculated. In my view such detailed matters are better addressed in supplementary planning guidance. The additional wording suggested by the Wilcon Development Group in this respect would not only be unduly complicated but it would unnecessarily add to the length of the policy. Such an approach would be in direct contradiction of the advice in PPG12 to make policies succinct. I find no reason, therefore, to modify Policy 21 in direct response to this aspect of objections 1822 and 5075.

7.8.168. I am concerned, however, that the criteria place insufficient emphasis on commuted payments only being acceptable where it is unrealistic for the affordable housing to be provided on site. I am not satisfied that the wording of criterion (a) is sufficiently clear in this regard. Accordingly, I recommend that Policy 21 should be modified to state that commuted payments would only be acceptable in respect of appropriate sites where it is unrealistic to provide the affordable housing on site and suitable alternative sites are available within the same settlement.

Criteria for assessing type and amount of affordable housing

**(q) *Public transport and proximity to local services***

7.8.169. It is apparent from the guidance in paragraph 10 of Circular 6/98 that the Government believes that the proximity to local services and facilities and access to public transport is an important consideration in assessing the suitability of sites for affordable housing. In my view it is imperative that affordable housing is provided in locations which are both close to existing services and easily accessible by public transport since many occupiers of this form of housing will not have access to their own transport.

7.8.170. Policy 21, however, makes no reference to this criterion. In my view, this is a serious oversight. The omission of this criterion means that the policy fails to accord with the overall aims of the Council’s sustainable development strategy. I am not satisfied that the substantial level of need for affordable housing in Dacorum is sufficient reason for the criterion to be set aside. In the circumstances, I believe that Policy 21 would be better if it contained this criterion. I therefore recommend that in answer to this element of objections 4172 and 5075, Policy 21 should be modified to include an additional criterion relating to the proximity of sites to local services and their accessibility by public transport.

**(r) *The economics of provision***

7.8.171. It is apparent from the wording of Policy 21 that the Council will take a number of criteria into account in considering the type and amount of affordable housing that is appropriate on any site. These include criterion (iv), which refers to the economics of providing affordable housing, and criterion (vi), which relates to the viability of the development as a whole. In my view, these would be sufficient to ensure that proper account is taken of the economics of provision, particularly on previously developed sites where the costs of redevelopment are significant. Consequently, I see no need for any changes to be made to Policy 21 in respect of objection 4250.

**(s) *Marketing of private housing***

7.8.172. It is not entirely clear to me what is meant by the phrase “marketing of the private housing on the site”. Nor is it apparent what purpose criterion (v) is intended to serve. The Council has given no explanation for it. In my view the marketing of private housing on a site is part of the overall issue of viability. This is already adequately addressed by criterion (vi). I can see no real need, therefore, for the inclusion of a separate criterion relating to marketing. Consequently, I recommend that criterion (v) should be deleted in answer to this aspect of objection 4172.

**(t) The realisation of other planning objectives**

7.8.173. A number of objectors have put forward alternative wordings for Policy 21. As part of the suggested revisions some have included an additional criterion, which relates to the impact of the provision of affordable housing on other important planning objectives. Circular 6/98 states that whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in the development of the site should be taken into account in assessing the suitability of sites. I can find no evidence that local circumstances would warrant taking a different approach in Dacorum. Consequently, I believe that Policy 21 would accord more closely with national policy if the suggested additional criterion were inserted. I recommend that the Plan be modified accordingly.

Other factors**(u) Clarity and flexibility**

7.8.174. The second set of 4 factors that will be taken into account in judgements about the type of affordable housing are in my view eminently sensible. Their inclusion in the policy will help to ensure that the type of housing provided will match actual needs. In view of their general nature, I do not consider that they are either unduly prescriptive or inflexible. Although Circular 6/98 makes no direct reference to these factors, I am not satisfied that their introduction conflicts with the overall aims of national policy on affordable housing which seeks to ensure that the type of housing provided matches existing housing need. I consider, however, that the clarity of the wording could be improved slightly, especially in respect of criteria (ii) and (iii). In the circumstances, I recommend that, in the light of this part of objection 4172, the wording of Policy 21 should be modified to achieve greater precision in respect of the other factors that would be taken into account.

Arrangements for ensuring benefits are passed to successive occupiers**(v) Need to incorporate supplementary planning guidance (SPG)**

7.8.175. Since the supplementary guidance on affordable housing that has been prepared by the Council does not form part of the Plan I do not consider it would be appropriate for me to comment directly on its contents. I have considered, however, whether the Plan would be improved if it were to incorporate the advice in the SPG.

7.8.176. In view of the relatively detailed nature of the guidance in the SPG, I see no real benefit in seeking to incorporate all the points it covers into Policy 21. PPG12 makes clear that it is more appropriate for matters of detail to be addressed in SPG. It is also clear from recent Court decisions that the inclusion of matters pertaining to the policies on affordable housing in SPG can be lawful. To require all such matters to be contained within the Plan would, in my opinion, unnecessarily add to its length and could reduce its clarity.

7.8.177. Having said this I note that paragraph 18 of Circular 6/98 indicates that the development plan should outline the preferred approach to controlling occupancy where a social registered landlord is not involved. Clearly Policy 21 does not do this.

It also, in my view, neglects to make clear how the Council will seek to ensure that the benefit of all affordable housing units can pass from initial occupiers.

- 7.8.178. I appreciate that the Council expects the provision of most affordable housing to involve a social registered landlord. However, it is apparent from paragraph 7.56 of the supporting text that it should not discourage other forms of appropriate tenure. In the light of my earlier findings I consider that it is important that the policy recognises the role that other forms of tenure may play in meeting housing need, albeit that the role may be a relatively small one. In my view, therefore, the policy needs to clarify the method by which the Council will seek to ensure that the benefits are passed to subsequent occupiers in relation to these alternative forms of tenure. Failure to do so would mean that the policy would not comply fully with the guidance in Circular 6/98.
- 7.8.179. It is apparent from the Council’s evidence that they would normally either impose appropriate conditions or seek to negotiate a section 106 agreement in order to ensure that the existing benefit is passed on to future occupiers. I consider that this should be made clear in Policy 21. In addition, in the light of the advice in paragraph 19 of Circular 6/98, I also believe the policy should include a brief reference to the approach the Council would normally adopt in respect of eligibility. The details of the arrangements could then be fleshed out more fully in supplementary planning guidance. In my view such an approach would accord with the guidance in paragraphs 3.15 to 3.18 of PPG12.
- 7.8.180. Accordingly, I recommend that in response to this part of objection 1822 Policy 21 should be modified to make clear the method by which the Council would seek to ensure that the benefit of affordable housing would pass to successive occupiers. I also recommend that it be altered to include a reference to the Council’s preferred approach for controlling occupancy.

Background text

**(w) Paragraph 7.62(b) and PIC28 – Priority for 1 and 2-bedroomed properties**

- 7.8.181. PPG3 and Circular 6/98 make clear that local planning authorities should seek to ensure that the type of affordable housing provided matches actual housing needs. In the light of the findings of the HNS I do not consider it is unreasonable for the Council to refer to the need for more 1 and 2 bedroom properties in the supporting text, particularly as it does not seek to confine all provision to this type of dwelling. In so far as the proposed pre-inquiry change merely seeks to clarify the form of 1 and 2 bedroom dwellings that are most needed I do not consider it is unreasonable or inappropriate. I see no reason, therefore, why the Plan should not be modified as proposed under PIC28.

**(x) Paragraph 7.64 and PIC29 – Are rent levels an appropriate benchmark**

- 7.8.182. I am far more concerned in respect of the wording of paragraph 7.64. As I have already indicated Circular 6/98 stipulates that definitions should be framed to endure for the life of the plan through references to the level of local incomes and their relationship to house prices or rents, rather than to a particular price or rent. Neither paragraph 7.64 nor paragraph 7.65 makes any mention of local incomes or their

relationship to local house prices or rents. However, paragraph 7.64 does refer to specific benchmark rents set for the Housing Corporation for their 1998/99 funding programme.

- 7.8.183. In my view, these paragraphs fail to comply with the advice in Circular 6/98, which recommends comparing the relationship of local incomes to house prices and rents. Moreover, in using rent levels for a specific year it provides a definition that is unlikely to endure for the life of the Plan. I find, therefore that the original wording of paragraph 7.64 is inappropriate and contrary to national guidance.
- 7.8.184. I am not satisfied, that PIC29 or the subsequent FC4 are sufficient to remedy the defects in this paragraph since they merely tinker with the wording. FC4 in particular would, in my opinion, introduce an unacceptable degree of inflexibility by stating that rent levels must not exceed the rent cap levels set by the Housing Corporation. The alternative suggestion put forward by one objector that paragraph 7.64 be amended to relate cost to 100% total cost indicator base table rates would, in my view, not address the deficiency either.
- 7.8.185. What is required is a total recasting of paragraph 7.64 and 7.65 so that they establish a clear definition of affordability in terms of the relationship of house prices or rents to local income levels, in line with paragraph 9 a) of Circular 6/98. I, therefore, recommend that the text of paragraphs 7.64 and 7.65 be modified accordingly in response to this aspect of objections 1822, 4093, 4172, 5316PC, 5699PC and 5720PC.
- 7.8.186. Indeed, in the light of my concerns about the lack of a clear definition of affordable housing, the undertaking of the 1998 HNS and the various other changes I have suggested to Policy 21, I consider that the whole of the background text to the policy should be substantially redrafted. The opportunity should also be taken to significantly reduce the length of the supporting text, which, in my view, would help to improve its overall clarity.

**(y) PIC30**

- 7.8.187. The Council accepts that the reasons given in CD49 for PIC30 should have referred to housing proposal H18A. However, this error has not been incorporated into the text of the Plan. Consequently, there is no reason for the Plan to be amended in this regard. I, therefore, recommend that no modification be made to the Plan in the light of objection 5241PC.

Other matters

**(z) Effect on development of small sites for specialised housing**

- 7.8.188. In their original objection McCarthy and Stone (1711) suggested that development which met a recognised specialised housing need, such as sheltered housing for the elderly, were likely to be inappropriate for a mix of affordable and general sheltered housing units. They therefore requested that the policy should exclude sheltered housing for the elderly on small sites. However, in subsequent written representations they have accepted that this is no longer a feasible proposal. They, therefore, state that the main aim of their objection is to ensure that Policy 21 accords with Government guidance on affordable housing.

- 7.8.189. Footnote 2 in paragraph 2 of Circular 6/98 makes clear that the requirements of the Circular relate to all types of new housing development on a substantial scale, including special needs housing. It is clear, therefore, that the exclusion of sheltered housing schemes from affordable housing policies would be contrary to national guidance. As such I consider that any modification which sought to exclude sheltered housing schemes from the provisions of Policy 21 would be inappropriate.
- 7.8.190. I note the objector’s argument that most sheltered housing schemes are not of the “substantial scale” envisaged in paragraph 2 of Circular 6/98. However, this paragraph refers to the Government’s policy as it was set out in the 1992 version of PPG3 (CD3). This has since been superseded. The latest version of PPG3 (CD3A) makes no reference to housing schemes having to be of a “substantial scale” to justify seeking an element of affordable housing provision. It merely requires that the sites should be suitable for affordable housing. In the circumstances, I consider that less weight should be attached to the precise wording of paragraph 2 of the Circular.
- 7.8.191. In my view, the relevant criteria for determining whether a site is suitable for affordable housing are set out in paragraph 10 of Circular 6/98. The importance of these criteria is emphasised by the advice in paragraph 17 of the current version of PPG3, which implies that where a site meets the criteria there is a presumption that affordable housing should be provided.
- 7.8.192. Paragraph 10 indicates that it would normally be appropriate to seek affordable housing on housing sites of 25 or more dwellings or residential sites of 1 hectare or more in size outside inner London. However it also states that lower thresholds can be adopted for rural settlements with a population of 3000 or fewer. In addition, it allows for affordable housing to be sought on smaller sites where exceptional local constraints can be demonstrated. In my view, therefore, whether or not a site is of a suitable size for affordable housing needs to be assessed in the context of the local circumstances and the thresholds set in the development plan. I am satisfied that the local circumstances are sufficiently exceptional in the case of Dacorum to justify setting lower thresholds for some of the settlements within the Borough, for the reasons I have set out above.
- 7.8.193. I accept, however, that the suitability of a particular site should not be judged solely on whether or not it complies with the relevant thresholds. Paragraph 10 lists a number of other criteria that should also be taken into account. These include the costs associated with the development, the need to achieve a successful development, the proximity to local services and access to public transport and whether the provision of affordable housing would prejudice the realisation of other important planning objectives.
- 7.8.194. The first two of these are, in my view, already covered by criteria (iv) and (vi) of Policy 21, which address the economics of provision and the viability of the development respectively. However, the latter two criteria are not directly addressed by the policy. For the reasons I have already given I consider that these should be included in the policy. Subject to these modifications I am satisfied that the policy would accord with the aims of paragraph 10 of Circular 6/98.
- 7.8.195. These criteria along with the other criteria specified in Policy 21 would in my view form an adequate basis for determining whether or not affordable housing would be

appropriate on a particular site. I see no need for the policy to go further in respect of sheltered housing schemes. Indeed, I can find no basis within national guidance for applying a different approach as a matter of course in respect of special needs housing. In the circumstances, I find that the changes I have already recommended in paragraphs 7.8.170 and 7.8.173 should be sufficient to address the points raised by this objector. I find no reason to recommend that any other modifications should be made to the policy in the light of objection 1711.

7.8.196. In reaching this conclusion I have taken account of the extensive evidence the objector has provided on the nature of developments that they undertake and the various committee reports and appeal decisions that they have submitted. However, I do not consider that any of this evidence is sufficient to justify amending Policy 21 so as to rule out the possibility of affordable housing being provided on suitable sheltered housing developments. Nor in my view does it warrant the inclusion of special provisions or criteria for such developments. Indeed I note the objector concedes this. I am not persuaded, therefore, that any of this evidence is of sufficient weight to warrant me reaching a different conclusion in respect of this objection.

**(aa) Town centre sites**

7.8.197. Although PPG3 and PPG13 stress the importance of ensuring that all housing development is constructed in reasonable proximity to local services and has good access to public transport, in my view this is particularly critical for affordable housing. This is clearly acknowledged in paragraph 10 of Circular 6/98. Locating affordable housing in locations which have a relatively poor level of access to existing facilities could seriously disadvantage occupiers of the accommodation, as many may not be able to afford to acquire their own vehicular transport. I note that the Regional Government Office has raised general concerns about the suitability of providing affordable housing on peripheral sites in Dacorum for this very reason.

7.8.198. However, while accessibility is important, I do not consider that it is sufficient, in itself, to warrant requiring all development in town centres to be limited to affordable housing. In my view such an approach would not only be unduly prescriptive but it would be going well beyond the advice in Circular 6/98 and PPG3 which set minimum thresholds for determining the suitability of sites for accommodating affordable housing. In effect it would be likely to restrict such developments to social housing providers since few private developers would be willing or able to provide 100% affordable housing. It also fails to take due account for the need to make provision for other forms of development which may be more important to the viability of the towns and the economic sustainability of the Borough as a whole.

7.8.199. I appreciate that the potential for sites of 1 hectare or more to come forward for housing development within central Hemel Hempstead and Berkhamsted is likely to be extremely limited. However, it is possible that some redevelopment sites may accommodate 25 or more dwellings, bearing in mind that higher residential densities will generally be appropriate in central areas. Large mixed use developments, such as that proposed at the Plough, may also be sufficiently viable to fund a substantial element of affordable housing and this is recognised in Policy 21. I appreciate that the situation in Tring is likely to be more constrained, but in my view this would be adequately addressed by lowering the minimum threshold as I have recommended in paragraph 7.7.132.

7.8.200. In the circumstances, while I accept that the provision of well located affordable housing is important I find no evidence to suggest that the need for affordable housing is of such proportions as to justify requiring all new development within the town centres to be limited to affordable housing. Consequently, I recommend that no modification be made to Policy 21 or its supporting text in answer to this aspect of objection 5075.

**(bb) Role of “car-free” sites**

7.8.201. As I have already indicated in response to the objections to Policy 20, I accept that the DBLP does not pay sufficient regard to the need to consider reducing or omitting car parking provision on sites which have good access to frequent and reliable public transport services. However, in my view the changes that the Council has proposed to Policy 59, together with modifications I have recommended to other policies in the housing section of the Plan, should be sufficient to redress this deficiency. I see no need, therefore, to amend Policy 21 to refer specifically to this matter. Accordingly I recommend that no modification be made to the Plan in the light of objection 4321.

**Recommendation**

7.8.202. **The Plan be modified as follows:-**

**(a) Policy 21 be amended to read:-**

**“The provision of about 1500 affordable housing units will be sought in the Borough between 1 April 1999 and 31 March 2011 through:**

- (a) measures which the Council can undertake as a housing authority;**
- (b) support for activities of registered social landlords; and**
- (c) the accommodation of schemes undertaken by other developers.**

**New affordable housing will consist primarily of units for rent but will also include shared ownership properties, discounted and low cost market housing where they can be shown to meet local housing needs and to help secure a better social mix.**

**Affordable housing may be included as part of the mix of uses in large development schemes and may exceptionally be provided through the early release of housing land restrained under Policy 18.**

**On appropriately sized housing sites the Council will seek to negotiate with developers for an element of affordable housing. A site will be considered as appropriately sized if it falls within one of the following categories:**

- (a) sites of 1 hectare or more in area or capable of accommodating 25 or more dwellings within the boundaries of Hemel Hempstead or Berkhamsted;**

- (b) sites of 0.5 hectares or more in area or capable of accommodating 15 or more dwellings within the boundaries of Tring, Bovington, Kings Langley or Markyate;**
- (c) sites of 0.2 hectares or more in area or capable of accommodating 5 or more dwellings within the boundaries of Aldbury, Chipperfield, Flamstead, Long Marston, Potten End, Wigginton or Wilstone.**

**Any attempts by developers to circumvent these thresholds by fragmenting a large site or by ignoring the potential for an amalgamation of smaller sites will be resisted.**

**Negotiations about the amount of affordable housing on individual sites will be governed by:**

- (a) the Council’s general expectation that a minimum of 20% of the units on redevelopment sites should be for affordable housing with higher levels being appropriate on very large sites and on any green field sites; and**
- (b) the indicative targets for sites listed in the Schedule of Housing Proposal Sites.**

**Commuted payments may be accepted in lieu of provision of affordable housing units on suitable sites, provided;**

- (i) the units cannot realistically be accommodated on the site; and**
- (ii) there are reasonable alternatives for achieving affordable housing units within the same settlement.**

**In addition, the type and amount of affordable housing on each site will have regard to:**

- (i) the character of the site and its surroundings;**
- (ii) the size of the site;**
- (iii) the need for the particular units of affordable housing;**
- (iv) the economics of providing affordable housing;**
- (v) the proximity of local services and facilities and access to public transport;**
- (vi) the extent to which affordable housing would prejudice the realisation of other planning objectives that need to be given priority;**
- (vii) the viability of the development as a whole.**

**Judgements about the type of affordable housing will be informed by the latest housing needs surveys and assessments and by relevant housing strategy statements. They will take into account the following additional factors:**

- (i) the tenure of the affordable housing units;**
- (ii) the type of unit provided (i.e. house, bungalow or flat);**
- (iii) the size of the units (based on the total floor area and the number of bedrooms); and**
- (iv) the design requirements for households with special needs.**

**Arrangements must be made to ensure that the benefit of all affordable housing units would pass from the initial occupiers of the properties to successive occupiers. Where necessary the Council will either impose appropriate conditions or seek to negotiate a section 106 agreement with the developer in order to achieve this. Such conditions/agreements will normally seek to give priority to local residents; people employed locally or people with local connections. Further details on appropriate eligibility criteria will be set out in supplementary planning guidance.**

**The provision of affordable housing on exception sites within the Green Belt and the Rural Areas is covered by Policy 26.**

**(b) amend paragraph 7.54 to 7.75 of the background text in order to:-**

- (i) reduce the overall length of the text and improve its clarity;**
- (ii) provide a clear definition of affordable housing in line with the advice in PPG3 and circular 6/98 which will endure for the life of the Plan;**
- (iii) allow for the contribution that could be made by shared ownership property and discounted market housing particularly on larger sites. In particular, the phrase “very minor degree” in paragraph 7.55 and the last sentence in paragraph 7.56 should be omitted;**
- (iv) take account of the revised target for affordable dwellings in Policy 21;**
- (v) give a clear explanation of the reasons for including the lower thresholds for Tring and the large and small villages;**
- (vi) correct the reference in paragraph 7.57 to the percentage figures in the Structure Plan Review;**
- (vii) take account of the findings of the 1998 Housing Needs Survey;**
- (viii) specify the date of the next housing needs survey;**
- (ix) take into account FC45;**
- (x) delete the reference to specific benchmark rents and redefine affordability in terms of the relationship of local incomes to house prices and rents;**
- (xi) delete the reference to the expected number of shared ownership properties;**
- (xii) update the figures on completions as at 31.3.99 or 31.3.00, depending**

on which date is used in respect of the overall housing provision in Policy 17 and the total provision of affordable housing in Policy 21;

- (xiii) update the figures on the affordable units likely to be provided on identified sites in the light of changes to Policy 17 and the Schedule of Housing Proposal Sites and delete the reference to Part III sites;
- (xiv) amend the reference to the targets on Housing Proposal sites in paragraph 7.75 to make clear such targets are “indicative”.

## 7.9. POLICY 22 : DENSITY OF DEVELOPMENT IN RESIDENTIAL AREAS

### Objections

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
642	HCC Environment Department	4028	HCC Environment Department
1283	CPRE - The Hertfordshire Society	4173	English Partnerships
1525	Kings Langley & District Residents' Association	4287	Mrs B Lea
1946	Taywood Homes Ltd	4532	John Dickinson Stationery Ltd
2972	English Heritage	5076	Tring Environmental Forum

### Key Issues

- (a) Is the policy necessary in the light of the guidance in Policies 8 and 9. (1946)
- (b) Whether densities should be increased on housing sites, in view of the rising need for small dwellings. Should the policy specify minimum density levels. Ought it to establish an average density of around 25 –30 dwellings per hectare, with higher densities where there is good access to facilities. (1283, 1525, 5076)
- (c) Is it appropriate to seek to encourage higher densities in Tring. (4287)
- (d) Should the policy be redrafted to place more emphasis on site layout and other factors that could increase densities. Ought it to draw attention to the correlation between high quality design and high density. (4532, 5076)
- (e) Does the policy give sufficient consideration to the retention and management of existing features such as trees and hedges. (642, 4028)
- (f) Whether the criteria should be extended to include excessive bulk or inappropriate scale. (2972)
- (g) Should the capacity figures specified in the housing schedule be a guideline rather than a requirement. (4173)

### Inspector’s Conclusions

#### (a) *Need for the policy*

7.9.1. Although Policy 8 requires general building development to be designed to achieve the maximum density consistent with the character of the area and other factors, this is a very generalised requirement. I consider that a more detailed policy on housing density is necessary in the light of the advice in paragraphs 57 and 58 of PPG3 on making the best use of land.

7.9.2. However, I am concerned about the length of Policy 22 and the fact that it appears to reiterate many of the criteria contained in Policy 9. In my view, this is unnecessary. I

also see no need for the Policy to refer to the criteria for development in residential areas since this is adequately addressed in Part 4 of the Plan. Similarly the reference to the density of new development in designated conservation areas is not required, as this issue would be covered by Policy 116. I consider that the Policy would be much better if it were more concise. I am satisfied that this could be achieved without weakening its objectives. I recommend, therefore, that Policy 22 should be modified accordingly in response to objection 1946.

**(b) *Appropriate densities***

7.9.3. There is no need, in my opinion, to increase densities on housing sites solely to meet the rising need for small dwellings. However, if the Council is to ensure that the development of greenfield land for housing is kept to a minimum it is important that general housing densities in Dacorum are increased in line with national policy. PPG3 makes clear that local planning authorities should avoid developments that make inefficient use of land (those of less than 30 dwellings per hectare net) and encourage housing development that makes more efficient use of land (between 30 and 50 dwellings per hectare net). They should also seek greater intensity of development at places with good public transport accessibility.

7.9.4. The second paragraph of Policy 22 largely accords with this latter objective. However, I am concerned that the following paragraphs of the Policy, particularly the third paragraph, appear to place stress on the need to avoid high densities elsewhere, particularly on the edge of the urban area. The danger is that this could be seen to be encouraging lower densities than those envisaged in national guidance, which could lead to an inefficient use of land. In the circumstances, I consider that it would be better if the Policy specified minimum density levels as suggested by the objectors. The level should be between 30-50 dwellings per hectare, as specified in paragraph 58 of PPG3, rather than between 25 and 30 dwellings as suggested by the objectors. It should also be clear that the Policy relates to all housing developments and not just those in residential areas. In conclusion, I recommend that in answer to objections 1283, 1525 and 5076, Policy 22 should be modified to include minimum density levels and the title should be amended so that it relates to all residential developments.

**(c) *Density in Tring***

7.9.5. The objector is concerned that encouraging higher density levels in Tring could place an undue strain on existing services, particularly education. She also points to the problems of increased traffic flows, pollution and the parking congestion that currently occurs in some parts of the town.

7.9.6. As I have previously indicated earlier in my report, I believe that the Council will need to exercise tight control over the amount of additional development that is permitted in Tring during the Plan period, owing to the limited capacity of its services. However, I am not satisfied that, on its own, this would constitute sufficient reason to discourage the development that does occur from taking place at the maximum acceptable density. Indeed in view of the limited amount of land available for development within the town, I consider it is important that efficient use is made of it.

7.9.7. There is no doubt that car use is high in Tring, due in part to the high level of out-commuting and the topography of the town. Moreover, as the station lies some

distance outside the town and bus services to it in the evenings and at weekends are limited, I acknowledge that accessibility to public transport is also not particularly good. In the circumstances, I accept that it would not be appropriate for development in Tring to take place at the same density as in the centre of Hemel Hempstead or Berkhamsted. However, I find no reason to believe that Policy 22 would cause this to occur since it clearly allows the Council to have regard to local circumstances.

- 7.9.8. Judging from the evidence submitted by the Council the housing sites that were completed in Tring between October 1997 and April 1999 are likely to have generated some 488 vehicular trips a day. If all the housing proposal sites and the Policy 33 sites were developed this could give rise to some 713 additional trips. In the light of my recommendations in respect of H35 and the Policy 33 sites the actual level is likely to be less than this. While this figure is not insignificant, I am not persuaded that the increase in traffic would be so substantial as to have a noticeably deleterious effect on either traffic movement in the town or on the amenity of its residents.
- 7.9.9. I appreciate that the level of nitrogen dioxide on Brook Street appears to be almost as high as on some of the busier roundabouts in Hemel Hempstead, judging from diffusion tube measurements taken in 1999 and 2000. However, I am not satisfied that there is sufficient evidence to conclude that the limited additional development that is proposed in Tring would result in an increase in current levels of pollution.
- 7.9.10. Much of the parking congestion in Tring occurs on streets that were built before the advent of the motor car. In other areas such as Highfield Road/Longfield Road and Beaconsfield Road the problem appears to be due largely to poor layout. In my view it should be possible to avoid similar problems occurring on future housing developments if care is taken to ensure that they are located close to a public transport route and an appropriate level of off-street parking is provided.
- 7.9.11. In the circumstances, I see no need for Tring to be excluded from the provisions of Policy 22. Neither do I believe it would be appropriate for the policy to be amended so as to encourage a lower density of development in the town, in view of the advice in PPG3. I, therefore, recommend that no modification be made to Policy 22 in response to objection 4287.

**(d) *Site layout and the quality of design***

- 7.9.12. There can be no doubt that site layout and good quality design are important considerations in ensuring that high density developments are successful. However, Policy 9 already states that a high standard of development will be expected and inappropriate layouts will not be permitted. I am satisfied that this would enable the Council to exercise sufficient control over such matters so as to achieve an appropriate increase in average housing densities in the future. I do not consider, therefore, that there is any need for Policy 22 to make specific reference to such factors. However, it would be helpful, in my opinion, if the supporting text drew attention to the role that good site layout and design can play in achieving successful high density development. Accordingly, I recommend that paragraph 7.76 of the Plan be modified to refer to the role of good site layout and design in meeting the aims of the Policy.

**(e) *Retention of trees and hedges***

7.9.13. Although Policy 22 only refers to the loss of trees, Policy 9 clearly states that development will not be permitted unless it retains and does not adversely affect and where appropriate enhances important landscape, natural and ecological features. Policy 100 also seeks to ensure the retention of trees and hedgerows. In my view this should be sufficient to ensure that higher density developments do not lead to a degradation of the urban environment through the loss of important vegetation.

7.9.14. I accept that the subsequent management of such vegetation is also an important issue. However, in my view, this is already addressed by Policy 102. In the circumstances, I recommend that no modification should be made to Policy 22 in answer to objections 642 and 4028.

**(f) Bulk and scale**

7.9.15. I am satisfied that issues of bulk and scale are already adequately addressed by Policy 9. I see no need, therefore, for them to be specifically referred to in Policy 22. Consequently, I recommend that no modification should be made to the Plan in the light of objection 2972.

**(g) Net capacity of scheduled sites**

7.9.16. Although detailed assessments may not have been undertaken of all the housing proposal sites, I am satisfied from the evidence I heard at the Inquiry that there is no reason why the net capacities specified in the Housing Schedule should not be achieved. Indeed, it is clear that for many of the sites the capacity could be significantly increased. In light of the advice in paragraph 58 of PPG3, I consider that it is entirely appropriate for the Council to require that the minimum densities specified in the Schedule are met and to indicate that permission will be refused for proposals that fail to do so. In consequence, I do not support the objector’s suggestion that the last paragraph of Policy 22 should be deleted. I recommend that no modification should be made to the Plan in answer to objection 4173.

**Recommendation**

7.9.17. **The Plan be modified as follows:-**

**(a) Policy 22 be amended to read:-**

**POLICY 22 DENSITY OF RESIDENTIAL DEVELOPMENT**

**Careful consideration will be given to the density of all new housing developments to ensure that they make the most efficient use of the land available.**

**Densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net. Proposals that have a density of below 30 dwellings per hectare net will be refused permission.**

**Higher densities will be encouraged in urban areas at locations where services and/or workplaces can be reached without the need for motorised**

travel or which are well served by public transport, for example at town and local centres.

For sites at the edge of an urban area, special attention will be paid to the effect of development density on open countryside and views. In such locations proposals will be expected to incorporate appropriate landscaping to achieve a soft edge to the countryside.

Housing proposals will not be permitted if the density of the scheme would adversely affect the amenity and/or existing character of the surrounding area or would fail to satisfy the design criteria in Policy 9.

The net capacity of sites listed in the Schedule of Housing Proposal Sites is expected to be met. Proposals that fail to meet specified minimum densities will be refused permission.

(b) alter paragraph 7.76 of the Plan to read:-

“Effective use must be made of the limited supply of housing land, to achieve a more sustainable pattern of development and to limit the impact of development on the countryside. Higher densities can often be successfully achieved by using more imaginative layouts and by incorporating a higher standard of design, particularly in respect of access roads and parking areas. However, care needs to be taken to ensure that the amenity of adjoining occupiers and/or the character of the surrounding area are protected.

## 7.10. POLICY 23 : EXTENSIONS TO DWELLINGS IN THE GREEN BELT AND THE RURAL AREA

### Objections

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
134	Chipperfield Parish Council	3746	Government Office for East of England

### **Key Issues**

- (a) Does criterion (e) need to be more tightly defined. Should the policy specify the maximum percentage of increased floor area that will be permitted when extending dwellings in the Green Belt or Rural Area. (134, 3746)
- (b) Should the Plan seek to prevent the loss of smaller dwellings in order to ensure a suitable mix of housing continues to exist within the Green Belt and the rural area. (134)

### **Inspector’s Conclusions**

(a) *The definition of “limited in size”*

- 7.10.1. Policy 22 gives no definition as to what is meant by the words “limited in size” in criterion (e). Although the background text includes an indication as to the size of extensions that may be considered permissible in the Green Belt and Rural Area it

confusingly refers to these in terms of being “very small scale” and “small scale”. Moreover, it fails to make clear the basis on which the specified percentage increases will be assessed. In the circumstances, I find that the original policy is lacking in clarity. It is understandable that the objectors were puzzled as to precisely how the advice in the background text related to criterion (e). I consider, therefore, that the policy does need to be more tightly defined.

- 7.10.2. The Council accepts that the approach in the Deposit Draft does not conform with the advice in paragraph 24 of Annex A to PPG12 (CD10). They therefore put forward a further change (FC37), which sought to include the guidelines on the acceptable percentage increase in the size of the dwelling within the policy. Following discussion at the Inquiry the Council conceded that the words “in aggregate terms”, which remained in the revised wording, were unclear. It, therefore, put forward a further suggested amendment (FC39) to address this. Additionally, an alteration was proposed to paragraph 7.80 of the Plan to correct the date to 1948 (FC40).
- 7.10.3. Subsequently the Council suggested yet another change to the policy (FC63) and two further changes to the supporting text (FC64 and FC65). The Council considers these changes are necessary to address a potential ambiguity in the policy insofar as it relates to extensions to replacement dwellings. This ambiguity has been highlighted by the judgement in *Brentwood Borough Council v Secretary of State for the Environment, Transport and The Regions and Mr I Churley* [2000] JPL 744.
- 7.10.4. I have, therefore considered whether any of these changes would sufficiently clarify the policy to satisfy the objections. Although the Council’s initial change (FC37) incorporates the guidelines on the acceptable size of an extension into the policy, in my view, it would still be confusing. Not only does it fail to make clear the basis on which the increase would be assessed but it also does not address the potential ambiguity between the words “limited in size” and “small scale”. The subsequent change (FC39) largely overcomes these problems as it explains that the assessment will be made on the basis of the increase in floor area. It also omits the references to “small scale” and “very small scale”. It therefore constitutes a considerable improvement on the previous versions.
- 7.10.5. However, it could still allow a replacement dwelling to be extended to the same extent as an original dwelling. Policy 24 already states that a replacement dwelling can include the additional floor area that would be permitted under Policy 23. In effect, therefore, a replacement dwelling could possibly benefit from the allowance twice (i.e. when it was built and subsequently). The resulting building would be substantially larger than the one it replaced<sup>53</sup>. Such an increase would be likely, in my view, to have a very significant impact on the openness of either the Green Belt or the Rural Area. This would be contrary to the objectives of national policy, especially paragraph 3.6 of PPG2. I, therefore, endorse the principle of the Council’s further changes FC63, FC64 and FC65 insofar as they are intended to prevent such an eventuality occurring.
- 7.10.6. Nevertheless, I am concerned that even with the latest change (FC63) some aspects of the policy are still imprecise. In particular, the last phrase in the policy refers to any extension which is “disproportionately large” in relation to the dwelling not being

<sup>53</sup> Within the Green Belt it could be up to 60% larger and in the Rural area up to 100% larger than the original dwelling.

permitted. It is this phrase, which Chipperfield Parish Council particularly objects to. It is far from clear whether this phrase is intended to refer solely to extensions which exceed the floorspace guidelines or should be regarded as including all extensions. Neither is it apparent as to whether it relates to extensions that are disproportionate in floorspace terms or in respect of their cubic capacity or both. I am not satisfied that the revised background text suggested in FC65 helps to clarify this. I judge therefore that the retention of this phrase within the policy would mean that it still retained an unacceptable element of ambiguity.

- 7.10.7. I appreciate that the Council may have inserted this phrase in response to the advice in paragraph 3.6 of PPG2. However, I do not consider its inclusion to be either necessary or beneficial. In my view the percentage guidelines should be sufficient to ensure the Council could reject disproportionate increases in floorspace. Criterion (a) on the other hand should allow it to refuse unacceptable increases in the bulk or scale of the building. I cannot see that the inclusion of an undefined ‘catch all’ phrase adds anything of real value to the policy. I, therefore, recommend that it should be deleted.
- 7.10.8. There are a couple of other points where I consider the clarity of the policy and the background text could be further improved. For instance, criterion (ii) refers to “established residential areas”. However, no definition is given as to what this is intended to cover. I assume that the Council is seeking to allow for some flexibility within existing settlements, like Bourne End and Little Gaddesden, which are not covered by Policies 4 or 6. If this is the case then I think it would be better to use the term ‘settlement’. This would be consistent with the wording in paragraphs 4.41 and 4.49 of the Plan.
- 7.10.9. In addition, I consider that criterion (d) would be more consistent with Policy 100 if it also referred to hedgerows. Finally I am concerned that the wording of the first bullet point of the proposed further change to paragraphs 7.78 to 7.80 (FC65), which seeks to define the meaning of “original dwelling”, is still potentially ambiguous. In my opinion, it would be clearer if the words “on the site” were omitted from criterion (i) of the policy and the wording of FC65 was amended to clarify that the term “original dwelling” means either the dwelling that existed on the site on 1 July 1948 or where none existed at that date, the first dwelling built on the site.
- 7.10.10. In conclusion, therefore, I advocate that further changes FC37, FC39 and FC40 should not be proceeded with. I recommend instead that Policy 23 should be modified in accordance with FC63, subject to the amendments specified in paragraphs 7.10.7 to 7.10.9 above. I also recommend that paragraph 7.77 be modified in accordance with FC64 and that paragraphs 7.78 to 7.80 be replaced with the text in FC65 subject to some minor amendments to improve its precision.
- 7.10.11. In reaching my conclusions on these objections, I have noted Chipperfield Parish Council’s view that a 40% increase in floor space would be proportionate in the Green Belt. I have also taken account of the comments made by the Council’s witness at the hearing into objection 143. She indicated that the lower threshold had been set by the Planning Committee and was felt by officers to be too strict. However, in the light of the evidence I heard from the Parish Council regarding the continuing pressure for extensions in the Green Belt and the somewhat inconsistent approach that the Borough Council has apparently taken in respect of such applications in the past, I consider that the lower threshold is appropriate. I do not believe it should give rise to the problems

the Council’s witness envisaged. Indeed, I consider the clearer guidelines should help the Council to ensure that extensions to existing dwellings do not lead individually or cumulatively to a serious loss of openness of the Green Belt.

7.10.12. In addition, I have had regard to the suggestion that the policy should allow for an exception to be made in the case of dwellings that provide sub-standard accommodation. However, I agree with the Council that it would be better for such cases to be considered on their merits. There would be nothing to prevent the Council giving permission in such cases as an exception to the policy if it was satisfied that the particular circumstances justified it.

**(b) *The retention of smaller dwellings***

7.10.13. As well as being concerned about DBC’s inconsistency of approach in respect of extensions to dwellings in the Green Belt, Chipperfield Parish Council also expressed disquiet about the loss of small dwellings, particularly on Scatterdells Lane. In their view the end result is that a road that started as one of mixed housing, with a number of modest dwellings suitable for starter homes and young family dwellings is gradually becoming one of large houses only available for those of substantial means.

7.10.14. The Council does not consider that Policy 23 should be used to control dwelling mix. In its view some change in dwelling mix is inevitable through permitted development rights. It argues that it would not be reasonable to refuse someone an extension to meet their own needs on the grounds that it would make their house too large for some possible future purchaser. In any case, it is unlikely that the dwelling mix in the village would markedly change in the light of the restrictions placed on extensions under Policy 23.

7.10.15. Policy 23 is primarily designed to control the visual impact of extensions on openness of the Green Belt and Rural Area. As such I accept it would not be appropriate to use it to control dwelling mix, although this may be a side effect of the policy. However, judging from the representations made by the Parish Council there does appear to be some evidence that the dwelling mix within and adjoining Chipperfield is gradually being eroded through dwellings being enlarged, despite the restrictions on extensions imposed by Policy 20 of the adopted Plan. I am concerned at the possibility that this scenario could be being repeated in other rural settlements within the Borough.

7.10.16. PPG3 makes clear that the Government believes that it is important to help create mixed and inclusive communities, which offer a choice in housing and lifestyle. In my opinion, there is a serious danger that the enlargement of dwellings in the rural area could actually lead to a decrease in the diversity of the existing settlements. The lack of smaller dwellings may force younger people to move away resulting in a less mixed and balanced community. In my view this would be contrary to the objectives of national housing policy.

7.10.17. I accept that this situation could be partly addressed by building new affordable housing. However, this could exacerbate the loss of openness that Policy 23 is seeking to avoid, especially if such housing has to be built on open land outside the settlement, as appears to have been the case in both Chipperfield and Flamstead. In my view there is an inherent illogicality in accepting that it is unreasonable to prevent existing small

dwellings from being extended whilst allowing for affordable housing to be built in locations where housing would not normally be permitted.

7.10.18. There is insufficient statistical evidence available at present to establish the extent of the problem. I do not consider, therefore, that it would be appropriate for me to recommend that the Council modify the Plan to include an additional policy in respect of the retention of smaller dwellings within the rural areas of the Borough. However, in my opinion the Council should seriously consider undertaking a detailed investigation of this problem. If this established that there was serious erosion of dwelling mix within the rural areas, due to dwelling enlargement, they could seek to include an appropriate policy at the next review of the Plan.

**Recommendation**

7.10.19. **The Plan be modified as follows:-**

- (a) revise Policy 23 in accordance with FC63, subject to the following additional amendments being included:-**
  - (i) insert the words ‘and hedgerows’ after the word “trees” in criterion (d);**
  - (ii) delete the words “on the site” from criterion (i);**
  - (iii) in criterion (ii) replace the words “established residential areas” with the words ‘existing settlements’ and the words “centre of these areas” with the words ‘centre of these settlements’;**
  - (iv) delete the words “Any extension which is disproportionately large in relation to the original dwelling will not be permitted.”**

**(b) amend paragraph 7.77 in accordance with FC64.**

**(c) delete paragraphs 7.78, 7.79 and 7.80 and insert the following text instead:-**

**“The original dwelling means:**

- Either the dwelling that existed on the site on 1 July 1948;**
- Or if there was no dwelling on that site at that time, the first dwelling built after that date, as it existed when first built.**

**The policy therefore takes into account the aggregate size and cumulative impact of extensions on the openness of the Green Belt and Rural Area whether the current building is the original dwelling on the site or not.**

**Judgements about the appropriateness of a proposal will have regard to other aspects of size, i.e. building footprint and volume, in relation to the characteristics of the site and its surroundings. The term ‘extension’ includes all additions to the dwellinghouse.”**

7.10.20. **The Council undertake an assessment of whether dwelling mix within the rural areas of the Borough is being seriously eroded due to the enlargement of existing dwellings. If the study identifies that there is a significant problem in this respect, I recommend that the Council should give consideration at the next review stage to the inclusion of an additional policy, which would seek to maintain a suitable dwelling mix within rural settlements.**

## 7.11. POLICY 24 : REPLACEMENT DWELLINGS IN THE GREEN BELT AND IN THE RURAL AREA

### Objections

Rep No.	Name
1284	CPRE - The Hertfordshire Society

### Supports for pre-inquiry changes

Rep No.	Name
5406 PC	CPRE - The Hertfordshire Society

### Key Issues

- (a) Whether the final paragraph should refer to Policy 23 rather than Policy 24.

### Inspector’s Conclusions

- 7.11.1. The Council accepts that the reference in the final paragraph of the policy should have been to Policy 23 and not Policy 24. They propose to correct this error under PIC31. As the change would meet the objection and make the Plan more accurate I support it.
- 7.11.2. However, I note that the Council now proposes to make further changes to the policy (FC66) and to the background text (FC67) in the light of the judgement in *Brentwood Borough Council v Secretary of State for the Environment, Transport and The Regions and Mr I Churley*. In its view these changes are necessary to ensure that the policy is consistent with Policy 23.
- 7.11.3. I agree that the two policies should be consistent and I accept that FC66 would help to clarify the permissible size of a replacement dwelling. I, therefore, endorse it. While I also support the principle behind FC67 I consider that the text of the proposed change will need to be amended to take account of my recommendations in respect of the change to the background text to Policy 23. I therefore, recommend that Policy 24 be modified in accordance with PIC31 and FC67 and that the background text be amended in accordance with FC67, subject to it being further modified so that it accords with the background text to Policy 23.

### Recommendation

- 7.11.4. **The Plan be modified in accordance with PIC31, FC66 and FC67, subject to the wording of the background text being further modified so that it is consistent with the changes I have recommended to the background text to Policy 23.**

## 7.12. POLICY 25 : AGRICULTURAL AND FORESTRY WORKERS’ DWELLINGS

### Objections

Rep No.	Name	Rep No.	Name
357	Great Gaddesden Parish Council	1285*	CPRE – The Hertfordshire Society
1058*	Ministry of Agriculture Fisheries & Food	1798	Water End & Upper Gade Valley Conservation Society
1059*	Ministry of Agriculture Fisheries & Food	5077	Tring Environmental Forum
1207*	The British Horse Society - Hertfordshire		

**Counter-objections**

To pre-inquiry change 32

5407 PC CPRE - The Hertfordshire Society

**Key Issues**

- (a) Whether new agricultural dwellings should not be permitted if a previous agricultural dwelling has been disposed of. (357, 1285, 1798)
- (b) Is the requirement in clause (a), that there be a clearly established and existing functional need, too onerous. (5077)
- (c) Whether criterion (i) should include retired workers. Ought it to refer to persons “last working” in agriculture in order to comply with the guidance in PPG7. Is PIC32, which refers to workers “previously” employed in agriculture, appropriate. (1058, 1207, 5407PC)
- (d) Should the policy refer to female as well as male workers. (1059)

**Inspector’s Conclusions**

**(a) Disposal of agricultural dwellings**

- 7.12.1. Where the occupation of a dwelling is covered by an agricultural occupancy condition there would have to be strong justification for permitting its removal. The occasions where an application for a new agricultural dwelling is submitted shortly after permission has been granted for the removal of an agricultural occupancy condition on another dwelling on the unit are therefore likely to be extremely rare. While abuse of the system may occasionally occur I do not consider that it is likely to be sufficiently prevalent to cause serious apprehension in respect of dwellings that are subject to an agricultural occupancy condition.
- 7.12.2. However, the objectors’ concerns do not appear to be related solely to dwellings that are covered by an agricultural occupancy condition. In my view, there is a much greater possibility that existing buildings on a farm, which are not covered by any restriction, could be disposed of prior to an application being made for a new agricultural dwelling. This could lead to a harmful proliferation of buildings in the countryside. I consider, therefore, that it would be reasonable for the policy to make clear that permission for new dwellings would be unlikely to be granted where either an existing dwelling on the unit or a building suitable for conversion to a dwelling has been sold in the preceding period.
- 7.12.3. The objectors have suggested that this period should be 10 years. However, in my view this is far too long as farming practices could change significantly within this length of time. I believe 5 years would be far more reasonable as there is a much greater chance that the need for a new dwelling could be foreseen. I therefore, recommend that Policy 25 be modified to make clear that permission will not normally be granted for a new dwelling where another dwelling on the unit, or building suitable for conversion to a dwelling, has been disposed of in the previous five years.

**(b) “Clearly established and existing functional need”**

- 7.12.4. Criterion (a) re-iterates the advice in paragraph 5 of Annex I of PPG7. I consider, therefore, that it accords with national policy. I appreciate that changes in agriculture,

particularly the growth of organic farming, may lead to an increase in the number of agricultural units. However, I believe that it is entirely reasonable for the occupiers of new units to have to demonstrate that there is both a functional need for the dwelling and that the unit is economically viable. I see no need, therefore, for any change to be made to criterion (a), particularly as the policy allows for the provision of temporary accommodation where the viability of a unit is being tested. I, therefore, recommend no modification be made to the Plan in response to objection 5077.

**(c) Retired workers**

7.12.5. As originally written the criterion in Policy 25 would not allow someone who has retired from agriculture to occupy a dwelling that is subject to an agricultural occupancy condition. PPG7 makes clear that the occupation of an agricultural dwelling should normally be limited by condition to those who are solely or mainly working, or last working, in the locality in agriculture or forestry. It is obvious therefore that the Government expects that those who have retired from agriculture should be permitted to remain in agricultural dwellings. As such I agree with the objectors that Policy 25 does not accord with national policy.

7.12.6. The Council accept this and propose under PIC32 to insert the words “or previously” within criterion (i) to address this point. However, while this is undoubtedly an improvement I am concerned that the Council’s choice of words could be open to misinterpretation. A person previously employed in agriculture could be taken to mean anyone who has worked in agriculture at some time in the past. In my view this would potentially extend the category of acceptable occupiers beyond that envisaged by national policy. As far as I am aware there are no local circumstances, which would justify a more liberal approach in Dacorum. I consider, therefore that the amendment suggested by MAFF<sup>54</sup> would be preferable to that proposed under PIC32. I, therefore, recommend that, in response to objections 1058, 1207 and 5407PC, criterion (i) be modified to include those last working in the locality in agriculture.

**(d) Female workers**

7.12.7. MAFF point out that as currently worded the policy would not allow the family or surviving spouse of a female agricultural worker to occupy a dwelling which is subject to an agricultural occupancy condition. The Council accepts this and proposes under PIC32 to amend the criteria so that male and female agriculture or forestry workers are dealt with on equal terms. In my view this amendment is sensible and would meet the objection. I, therefore, support it and recommend that the policy be modified accordingly in answer to objection 1059.

**(e) Other matters**

7.12.8. I appreciate the reasons why the Council has chosen in drawing up Policy 25 to simplify the advice in Annex I of PPG7. However, I am concerned that it appears to have ignored some issues, like access, while unnecessarily elaborating on others. For instance matters such as size, siting, design and landscaping, which are mentioned in criterion (d), are already adequately covered by other policies in the Plan. If it is

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<sup>54</sup> Now the Department of Environment, Food and Rural Affairs

necessary for these issues to be highlighted in relation to agricultural and forestry workers dwellings this could be adequately addressed in the background text.

- 7.12.9. While I note that paragraph 7.87 of the background text refers to the need for a new dwelling to be limited to that which is functionally necessary this is not actually addressed in the policy. Paragraph 24 of Annex A of PPG12 makes clear that matters which will be used in taking decisions on planning applications should not be contained in the reasoned justification. In my view, therefore, the policy needs to contain a requirement that new dwellings shall be of a size commensurate with the established functional requirement of the holding.
- 7.12.10. In the light of my findings in respect of Policy 27 and the advice in paragraph I14 of PPG7, I consider that the policy also needs to give more explicit guidance on the circumstances where permission is likely to be granted for temporary accommodation. In particular, I consider it needs to make clear that it will only be granted where there is a functional need; there is no other suitable accommodation on the holding; and there is clear evidence of an intention to develop the enterprise concerned and that it has been planned on a sound financial basis.
- 7.12.11. Finally, I have serious reservations about criterion (iii). There is nothing in PPG7 to suggest that where an agricultural or forestry worker’s dwelling is not required for its original purpose that it would be appropriate to restrict its occupation to someone who is in need of low cost housing. In my view such a restriction is of doubtful legality and it is difficult to see how it could be effectively enforced.
- 7.12.12. I appreciate that paragraph 26 of Circular 6/98 states that applications for isolated single homes in the countryside should be considered with reference to the rural exceptions policy. However, the previous sentence makes clear that this advice relates to applications for dwellings for people with local connections but no proven agricultural or forestry need. This is an entirely different situation to that envisaged in criterion (iii). I do not consider that this advice justifies restricting the occupation of agricultural dwellings that are no longer required for that purpose to those in need of low cost housing.
- 7.12.13. There may well be a significant need for low cost housing in the rural area of the Borough but this is not unique to Dacorum. I am not satisfied, therefore, that it merits such a radical departure from national policy. I appreciate that the same criterion is included within Policy 22 of the adopted Plan but this does not mean that it is either reasonable or appropriate. It was not considered by either of the previous Inspectors, presumably because there were no objections to that policy. In the circumstances, I am not satisfied that its inclusion in an adopted Plan is sufficient to warrant its retention. I would, therefore, strongly urge the Council to delete this criterion.
- 7.12.14. In conclusion, I recommend that the wording of the policy be modified to include additional criteria relating to access requirements and the appropriate size of the dwelling. I also recommend that criterion (d) be simplified and that additional criteria be added in respect of the provision of temporary accommodation. Finally, I recommend that criterion (iii) should be deleted.

**Recommendation**

7.12.15. The Plan be modified by amending Policy 25 to read:-

**“POLICY 25 AGRICULTURAL AND FORESTRY WORKERS’ DWELLINGS**

**Dwellings for agricultural and forestry workers will be permitted in selected small villages under Policies 4 and 6.**

**Elsewhere in the Green Belt and the Rural Area, permission will only be granted for such dwellings where they would meet all of the following criteria:-**

- (a) there is a clear established and existing functional need for a new dwelling on the unit;**
- (b) suitable alternative accommodation or buildings capable of conversion do not exist;**
- (c) the enterprise has been clearly demonstrated to be viable and sustainable;**
- (d) the dwelling would not have a damaging impact on the character or amenity of the surrounding area;**
- (e) the dwelling would be commensurate in size with the established functional requirements of the unit;**
- (f) safe access could be provided.**

**Permission will not normally be given where an existing dwelling on the unit, or a building suitable for conversion to a dwelling has been disposed of in the previous five years.**

**Where the viability of a new agricultural or forestry activity is being tested permission will be given for the provision of temporary accommodation on the unit provided that it meets the following criteria:-**

- (a) there is a proven functional need;**
- (b) a firm intention and ability to develop the enterprise has been demonstrated;**
- (c) the financial development of the enterprise has been soundly planned;**
- (d) there is no other suitable accommodation available on the unit or within the area;**
- (e) the siting of the accommodation would not detract from the character or appearance of the surrounding area.**

**The maximum period for a temporary permission will normally be three years.**

**The occupation of any agricultural or forestry worker’s dwelling will be limited to:**

- (i) a person principally or last employed in the locality in agriculture or forestry and his/her family;**
- (ii) and subsequently his/her surviving spouse and/or resident dependants.**

### **7.13. POLICY 26 : AFFORDABLE HOUSING IN THE GREEN BELT AND IN THE RURAL AREA**

#### **Objections**

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
1749	Berkhamsted Town Council	4322	Mrs A J Nobbs
3241*	Community Development Agency for Hertfordshire	5078	Tring Environmental Forum

#### **Counter-objections**

To pre-inquiry change 33  
5320 PC Wilcon Development Group Ltd

#### **Key Issues**

- (a) Does the policy take proper account of actual demographic needs rather than wishes or aspirations. (4322)
- (b) Should the policy state that small scale affordable housing schemes will be accepted if the specified criteria are met. (1749)
- (c) Does clause (b) of the policy need to be amended to make clear that a planning obligation will be sought to ensure that the dwellings remain available for social housing. (5078)
- (d) Is it appropriate for the background to the policy to require information on the receipt of state benefits. (3241, 5320PC)
- (e) Would all planning permissions granted under the terms of this policy need to forbid the holding of a tenancy by anyone without a local connection. (3241)

#### **Inspector’s Conclusions**

##### **(a) *The demographic need for affordable housing***

7.13.1. It is apparent from the advice in PPG3 and Circular 6/98 that the Government considers that it is reasonable for rural affordable housing provision to be augmented by an ‘exception’ policy. Paragraph 18 of PPG3 specifically requires local plans to make clear whether such a policy exists and how it will be applied. Annex B sets out in more detail the reasons why such an approach is appropriate and the factors that should be taken into account in devising and implementing such policies. In my view Policy 26 entirely accords with this advice.

7.13.2. Since the policy requires genuine local needs to be established through detailed surveys, there is every reason to believe that the provision of such housing will reflect actual demographic needs rather than merely wishes and aspirations. It is precisely because of the importance of maintaining properly balanced rural communities that such a policy is needed. Without it there would be a far greater danger that those who cannot afford housing would have to move away from the area. This would be likely to result in rural communities reflecting an elite microcosm rather than a wide spectrum of society, which the objector clearly fears. I see no need, therefore, for the policy to be modified in the light of objection 4322.

**(b) *Is “may” or “will” more appropriate?***

7.13.3. In my view, the use of the word “may” within a policy can create an unacceptable element of uncertainty. As such I believe it should generally be avoided. However, where a policy proposes to allow development as an exception to the general development strategy I consider that the use of the word “may” is appropriate. It rightly assumes that in making a decision the Council will have to determine whether the need for affordable housing in a particular location is sufficient to outweigh the objectives of the development strategy. As such it provides for a necessary degree of flexibility which would not be present if the word “will” was used instead. In the circumstances, I recommend that no modification be made to Policy 26 in response to objection 1749.

**(c) *Planning obligations and future occupation***

7.13.4. Circular 6/98 makes clear that the term affordable housing covers more than just social housing. It also covers low-cost market housing. While the former will be the most appropriate solution in many cases, it may not be so in others. In the circumstances, I believe the Council is right not to seek to limit the form of tenure in order to ensure that all the housing that is provided under this policy remains available in perpetuity. In my view, such an approach would unreasonably restrict the ability of the policy to meet the particular needs of an individual settlement.

7.13.5. In order to ensure that schemes continue to be managed in such a way that they remain available to meet local needs in perpetuity, I accept that it will be necessary to have in place some form of mechanism to achieve this end. Undoubtedly, in many cases this will be through the means of a planning obligation or agreement, as paragraph 7.96 of the background text makes clear. However, it may not be the only suitable mechanism. In the circumstances, I do not consider it would be appropriate for clause (b) to refer solely to planning agreements. I recommend, therefore, that no modification be made to Policy 26 in answer to objection 5078.

**(d) *Information on state benefits***

7.13.6. I note that local needs surveys in Hertfordshire, apart from Dacorum, do not currently include questions seeking information on the receipt of state benefits. Indeed Circular 6/98 does not suggest this would be appropriate. In the circumstances, I consider it would be better to omit the reference to the receipt of state benefits in paragraph 7.93 of the background text. I, therefore, support PIC33.

7.13.7. However, Circular 6/98 does suggest that assessments should include such factors as local incomes. This would normally take account of all sources of income, including state benefits, not just earnings. As such I consider that the Council’s proposed further change (FC24) which seeks to delete the word “earnings” and replace it with the word “income” would also be appropriate.

7.13.8. I appreciate that the counter-objector believes that the Plan should make clear that state benefits would be included in the estimate of average income. However, I do not consider it is necessary for the Local Plan to establish the appropriate methodology for an assessment of total household income. In my view, this is better determined in the light of local circumstances and any advice on best practice that is available at the time an assessment is undertaken. I am not satisfied, therefore, that it is necessary for the Plan to retain a specific reference to state benefits. In the circumstances, I recommend that Policy 26 should be modified in accordance with PIC33 and FC24.

**(e) Exchanges of tenancy**

7.13.9. Transfers of tenancies to those who do not have a local connection would appear to be a fairly rare occurrence. I do not consider, therefore, that there is any need for the matter to be specifically addressed in the Local Plan. In any case, I believe such detailed matters are better dealt with through changes to housing association rules and/or planning obligations. Accordingly, I recommend no modification be made to the Plan in response to this part of objection 3241.

**Recommendation**

7.13.10. **The Plan be modified by amending Policy 26 in accordance with PIC 33 and FC24, in response to objections 3241 and 5320PC.**

7.13.11. **No modifications be made to the Plan in the light of objections 1749, 4322 and 5078.**

**7.14. POLICY 27 : RESIDENTIAL MOORINGS AND CARAVANS**

**Objections**

<i>Rep No.</i>	<i>Name</i>	<i>Rep No.</i>	<i>Name</i>
1750	Berkhamsted Town Council	5079	Tring Environmental Forum
2848	British Waterways		

**Key Issues**

- (a) Is it appropriate to treat residential moorings and caravans in the same manner as permanent buildings. Does such an approach conflict with PPG3. Should permanent residential moorings and caravans be treated differently to similar tourist developments. (2848, 5079)
- (b) Should residential moorings only be permitted outside the Berkhamsted Conservation Area. (1750)
- (c) Ought the policy to acknowledge the criteria laid down by the Canal and Riverside Partnership [CARP]. (1750)

- (d) Does the policy need to make clear that the view from, as well as of, the canal needs to be conserved. (1750)

## **Inspector’s Conclusions**

### **(a) *Treatment of residential moorings and caravans***

- 7.14.1. There is no doubt that both residential moorings and caravans can provide an important source of residential accommodation, particularly for those who cannot afford traditional housing. However, they will also have an environmental impact on the character and appearance of the area and will normally require the same basic on-site services, sewage and rubbish disposal as well as access, parking and storage. I do not share the view, therefore, that distinguishing them from recreational moorings or touring caravan sites creates an unacceptable double standard. Such developments are normally temporary or seasonal. They are likely therefore to have much less impact on the area in the longer term.
- 7.14.2. I appreciate that the earlier version of PPG3 (CD3) referred to the need to treat proposals for mobile homes on their merits and to bear in mind the needs of houseboat dwellers. However, the new PPG3 (CD3A) merely refers to including the occupiers of mobile homes and houseboats in assessments of housing need which underpin local plan policies. As I have already indicated in paragraph 7.6.19 of my report I have some concerns about whether the Council’s assessment of housing need was sufficiently embracing to comply with this advice. However, I am not satisfied that, in itself, this would constitute sufficient reason to set aside Policy 27.
- 7.14.3. Having said all this, I accept that there are significant differences between residential moorings and permanent buildings. Although the 1993 Inspector found it was appropriate for residential moorings to be subject to the normal development control policies applying to other forms of permanent residential accommodation, I am not satisfied that this approach is still pertinent. In my view, the circumstances are now rather different from the time of the 1992 Local Plan Inquiry.
- 7.14.4. In particular, I note that the 1993 Inspector appears to have been significantly influenced by the fact that unlike several other local planning authorities, DBC had not drawn up any more specific guidance on these types of development. This is no longer the case. Policy 113, which is contained within Section 10 of the Plan, now gives detailed guidance on residential moorings. It is clear from this policy that residential moorings will not in fact be treated in exactly the same manner as permanent residential buildings.
- 7.14.5. In the circumstances, I consider that it is no longer either necessary or appropriate for residential moorings to be included in Policy 27. In my view it would make far more sense for the reference to residential moorings to be deleted. I also think that the Plan would be better if those parts of Policy 113 that deal with residential moorings were moved to form a separate policy within Section 4 of the Plan. However, I consider that the wording would need to be simplified slightly so as to make the policy more concise and to take on board the changes proposed under FC120, FC121, FC122, FC123 and FC124. The fact that residential moorings can be an important source of accommodation reinforces my view that it would be better if they were dealt with

alongside the other housing policies rather than in the Environment section of the Plan.

- 7.14.6. I appreciate that the Council may have chosen to deal with recreational and residential moorings together in one policy in order to avoid the need to repeat relevant criteria. However, in my view, the two types of mooring actually warrant very different treatment. I consider therefore that they should be dealt with separately.
- 7.14.7. The issue of caravans is, in my opinion, rather different. Although Policy 94 deals with touring caravan sites there is no detailed guidance within the Plan in respect of permanent residential caravans. I note, however, that the Council now proposes, under FC83, to introduce a new policy in respect of gypsy caravan sites, into Section 8 of the Plan on Social and Community Facilities. I consider therefore that it would be appropriate to include a policy on residential caravans along the lines of Policy 27 within the housing section of the Plan.
- 7.14.8. In my opinion, the policy would need however to make clear that while most applications for the siting of caravans would be treated similarly to residential buildings some proposals would be viewed more favourably. In particular, I consider that specific reference should be made to the fact that temporary accommodation for agricultural or forestry workers, touring caravan sites and gypsy sites would normally be acceptable providing they comply with the criteria set out in the relevant policies.
- 7.14.9. This would require some modification to Policy 25 and the insertion of a new policy on gypsy sites but I am satisfied that this would be appropriate for the reasons I give in paragraphs 7.15.4 and 7.15.11 of my report. I see no need for the policy to include a general reference to the temporary siting of caravans in other special circumstances, particularly as the policy does not make clear what these would be.
- 7.14.10. In conclusion, I recommend that the reference to residential moorings should be deleted from Policy 27 and that, subject to some modification, the sections of Policy 113 which deal with residential moorings should be moved to section 4 of the Plan. In addition, I recommend that Policy 27 be modified so that it relates solely to residential caravans and makes clear that temporary accommodation for agricultural or forestry workers, touring caravan sites and gypsy sites would be acceptable providing they comply with the criteria in the relevant policies.

**(b) Residential moorings in the Berkhamsted Conservation Area**

- 7.14.11. I accept that the inappropriate siting of residential moorings could have a significant impact on the character of the Grand Union Canal and consequently on the relevant part of the Berkhamsted Conservation Area through which the canal passes. However, in my view each case needs to be considered on its merits. The criteria in Policies 113 and 116 should be sufficient to ensure that detrimental proposals for the siting of residential moorings in this location could be resisted. In the circumstances, I see no need to reword the Policy to specifically exclude the siting of residential moorings within the Berkhamsted Conservation Area.

**(c) The objectives of CARP**

7.14.12. The objectives of CARP are undoubtedly important to development along the stretch of the Grand Union canal which passes through Berkhamsted. However, I do not believe it would be appropriate to refer to these objectives in the context of considering residential moorings. In my view, such a reference is best located within the context of Policy 112, which deals with the canalside environment in general. I note that the Council has in fact included such a reference in paragraph 13.111 of the Plan. I see no need for this to be reiterated elsewhere in the Plan.

**(d) Views of the canal**

7.14.13. I accept that views from the canal are equally, if not more, important to users of the canal than views of the canal. Since the canal is a well used recreational resource and plays an important part in attracting tourists to the area, I have no doubt that significant views from the canal should be protected. However, I consider such matters are best addressed within the Environment section of the Plan rather than in the Housing section. In conclusion, therefore, I recommend that no modification should be made to Policy 27 in answer to the points raised by objection 1750.

**Recommendation**

7.14.14. **The Plan be modified as follows:-**

**(a) Policy 27 be amended to read:-**

**POLICY 27 RESIDENTIAL CARAVANS**

**Proposals for residential caravans and mobile homes will be treated as though they were for residential buildings and will therefore be subject to the same policies and criteria unless they fall into one of the following categories:-**

- (i) Temporary accommodation for agricultural or forestry workers which complies with the criteria in Policy 25;**
- (ii) Touring caravan sites that accord with Policy 94;**
- (iii) Gypsy caravan sites which meet the criteria in Policy 27A**

**(b) delete the word “Boats” from paragraph 7.98.**

**(c) move the sections of Policy 113 which deals with Residential moorings to become Policy 27B in section 4 of the Plan, subject to it being amended to read as follows:-**

**POLICY 27B RESIDENTIAL MOORINGS**

**Proposals for a limited number of residential moorings will be acceptable within and at the edge of urban areas, subject to the relevant development control criteria. Locations in open countryside will only be acceptable where they are incorporated into an appropriately sited recreational mooring basin.**

**Proposals must:**

- (i) Integrate successfully with the surrounding landscape and/or townscape;
- (ii) be served by adequate road access;
- (iii) have no adverse effect on the nature conservation value of the canal or nearby land;
- (iv) not result in the local road system being overloaded;
- (v) cause no harm to the historic or visual character of the canal;
- (vi) be close to existing services and amenities;
- (vii) make a positive contribution to the canalside environment;

**In addition they should:**

- (i) include sufficient space at the moorings for essential facilities and landscaping;
  - (ii) provide adequate pedestrian and service vehicle access;
  - (iii) have no individual garden area;
  - (iv) only provide minimal essential lighting, which shall be located so as to minimise glare and/or visual intrusion;
  - (v) not impede navigation and/or use of the towpath;
  - (vi) provide appropriate parking space at a standard of one space per two boats, except where the mooring is either located within comfortable walking distance of a town or local centre or is easily accessible by public transport.
- (d) insert additional supporting text after the new policy on residential moorings to provide reasons for the policy and to give a more detailed explanation of the criteria and to take account of further changes FC121, FC122, FC123 and FC124. The text should include a definition of essential facilities, referred to under criterion (i), and indicate what would be considered to constitute a comfortable walking distance to a town or local centre and easy accessibility by public transport.

## 7.15. HOUSING: SUGGESTED NEW POLICY

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
4052	HCC Environment Department	4690	Mrs B J Brown
4213	Berkhamsted Gypsy Support Group	4691	Mrs B J Brown

### **Key Issues**

- (a) Whether the Plan should include a policy addressing special needs accommodation in the context of market housing. (4052)
- (b) Is a specific policy needed in respect of gypsy site provision. (4213)
- (c) Whether there should be policies relating to the creation of home zones and housing developments without parking provision. (4690, 4691)



## **Inspector’s Conclusions**

### **(a) Special needs accommodation**

- 7.15.1. As I have already indicated in paragraph 7.6.21 of my report I consider that the Council does need to give further consideration to the special needs of those groups listed in paragraph 13 of PPG3. I am not satisfied that it would be sufficient to seek to rely solely on the provisions of Policy 21, even if, as the Council suggests, a significant proportion of special needs households are characterised by below average size and income. It is clear from Policy 11 of the SPR that special needs should also be considered in respect of market housing.
- 7.15.2. The modifications I have recommended to Policy 19, in respect of the provision of “lifetime” homes, would go some way to addressing the special needs of the elderly and those with disabilities in the context of both market and affordable housing. However, in my opinion, the Council also needs to assess the needs of the other groups mentioned in paragraph 13 of PPG3 and, where necessary, to devise additional policies to address these needs.
- 7.15.3. In the light of objection 4052, therefore, I recommend that Policy 19 should be modified in accordance with paragraph 7.6.26 of my report. In addition, I recommend that the Council undertake a detailed assessment of the local level of housing need for the specific groups referred to in paragraph 13 of PPG3 and devise any necessary additional policies accordingly.

### **(b) Gypsy site provision**

- 7.15.4. Paragraphs 9 and 12 of Circular 1/94 make clear that the Government expects local plans to include appropriate locational and/or criteria based policies relating to gypsy site provision. This advice has been reiterated more recently in PPG12 (CD10). Moreover, the DTLR wrote to all Chief Planning Officers in November 1999 stressing the importance of identifying actual locations for gypsy sites within local plans, wherever possible, rather than using criteria based policies.
- 7.15.5. Although some reference is made to the needs of gypsies in the background text to Policy 68 I consider that this is totally inadequate to meet the requirements of Circular 1/94 and PPG12. I, therefore, endorse the objector’s concerns about the absence of an appropriate policy on gypsy site provision within the Plan.
- 7.15.6. The Council proposes, under further change FC83, to insert a new policy (72A) within the social and community facilities section of the Plan to address this objection. They also propose to make consequent amendments to Policy 68 (FC90) and section 6 of Part 4 of the Plan, which deals with North East Hemel Hempstead (FC89). The new policy proposes the retention of the existing gypsy sites at North East Hemel Hempstead and Marston Airfield and includes a criteria based approach for assessing any subsequent applications for additional gypsy sites.
- 7.15.7. I have no doubt that where there is evidence of a significant need for additional gypsy accommodation it is more appropriate for the Plan to include locational policies. In this case, however, while it is clear that substantial numbers of gypsies reside in or resort to the Dacorum area, limited evidence has been supplied as to the extent their

need for accommodation exceeds the current level of provision. Moreover, no additional sites have been identified. Seeking to identify and include such sites at this late stage in the process could cause considerable delay in the adoption of the Plan. In these circumstances, I do not consider it would be appropriate for me to recommend that the Council adopt a locational policy.

- 7.15.8. The only alternative, therefore, is to include a criteria-based policy along the lines of that suggested in the Council’s proposed further change (FC83). I am satisfied that in general this covers the relevant factors which would need to be taken into account in assessing subsequent applications. However, it would be better if the title referred solely to gypsy sites rather than to “gypsy and traveller sites”. The courts have recently confirmed<sup>55</sup> that to benefit from the exceptions to normal development control policies one should be a gypsy, as defined in section 16 of the 1968 Act<sup>56</sup>. The term traveller has no legal status and could be taken to include holidaymakers, travel writers or sales representatives. As such I consider it is best avoided.
- 7.15.9. In addition, I believe the policy would be improved if criterion (ii) referred to the provision of ‘safe’ access to the primary road network. This would enable the Council to reject sites where use or formation of an access would present a danger to the safety of other road users. Finally, as the policy covers the issue of providing residential accommodation for gypsies, I consider it would be more sensible for it to be included in section 4 of Part 3 of the Plan, together with the other housing policies, rather than in section 8. In my view, it would be best located immediately after Policy 27.
- 7.15.10. I, therefore, recommend that in the light of objection 4213 the Plan should be modified by the insertion of a new policy and supporting text on gypsy site provision in section 4 of Part 1 of the Plan following Policy 27. In the light of this recommendation, I consider that it would be more sensible for paragraph 11.6 of the Plan to be deleted rather than for it to be modified as suggested by FC90. I also believe the specific reference to gypsies and travellers in paragraph 11.2 would be better omitted, as I see no justification for singling out gypsies and travellers from other residents of the Borough in relation to the provision of land for social and community facilities.
- 7.15.11. If these changes are made to the background text to Policy 68 it would probably make more sense to also move paragraph 11.5, which deals with travelling show people, to section 4 of Part 1 of the Plan. Finally in the light of my recommendation to remove the gypsy site at Three Cherry Trees Lane from the area designated under Employment Proposal E4, in paragraph 8.15.12 of my report, I consider that the final two sentences of the new background text proposed under FC83 should be omitted. For the same reasons I recommend that FC90 should not be proceeded with.

**(c) Home zones and parking free housing schemes**

- 7.15.12. The introduction of Home Zones can be a sensible measure to improve safety and environmental quality in established residential areas. However, in my view this is a traffic management issue rather than specifically a housing matter. Policy 56 of the Plan covers traffic management issues. Although it does not specifically mention Home Zones, it would clearly allow for a Home Zone to be created. Judging from the

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<sup>55</sup> *Clarke v Secretary of State for the Environment, Transport and the Regions* [2001] EWHC Admin 800.

<sup>56</sup> Caravan Sites Act 1968.

evidence there is no reason to believe that the Council would be unwilling to consider such an approach to traffic management where appropriate. Indeed, I note that a scheme is programmed for Kings Langley.

- 7.15.13. The Home Zone approach is a relatively new concept in Britain and even newer in Hertfordshire. It depends heavily on the co-operation of local residents and requires extensive consultation. In my view therefore, it is better at this stage to leave the determination of whether and where such schemes would be appropriate to the Council and the Highway Authority. While I support the principle of Home Zones I do not consider, therefore, it would be sensible for the Plan to include a general reference to developing such zones at this time.
- 7.15.14. Turning to the issue of car-free housing I note that Policy 59 of the Plan, as proposed to be amended by further change FC149, does make provision for car free residential development to be considered in high accessibility locations. It also states that parking provision may be omitted or reduced on the basis of the type and location of development. It is clear, therefore, that appropriate car-free housing developments would accord with the aims of the Plan. In the circumstances, I see no need for the matter to also be addressed in the Housing section of the Plan. Accordingly, I recommend that no modification is made to the Plan in the light of objections 4690 and 4691.

**Recommendation**

7.15.15. **The Plan should be modified as follows:-**

- (a) amend Policy 19 in accordance with the recommendation in paragraph 7.6.26 of my report.**
- (b) insert a new policy and supporting text in respect of gypsy sites within section 4 of Part 1, immediately after Policy 27. The policy and supporting text should be as set out in FC83, subject to following amendments:-**
  - (i) amend the policy number to 27A<sup>57</sup>;**
  - (ii) omit the words “AND TRAVELLER” from the title of the policy;**
  - (iii) insert the word ‘safe’ between the words “have” and “access” in criterion (ii);**
  - (iv) omit the last two sentences of the background, which refer to the site at North East Hemel Hempstead being part of proposal site E4.**
- (c) delete the words “(including gypsies and travellers)” from paragraph 11.2.**
- (d) move paragraph 11.5 from section 8 to section 4 of Part 1 so that it follows the background paragraph to Policy 27A.**
- (e) delete paragraph 11.6.**

<sup>57</sup> This does not take into account any renumbering that may be necessary in the light of my recommendations in respect of earlier policies in the Plan.

- 7.15.16. **The Council undertakes an assessment of the local level of housing need for the specific groups referred to in paragraph 13 of PPG3. If this research identifies that any of these groups has a significant housing need that is unlikely to be met during the Plan period then serious consideration should be given to including additional policies within the adopted Plan to address this.**
- 7.15.17. **Further changes FC89 and FC90 be not proceeded with.**
- 7.15.18. **No modification should be made to the Plan in response to objections 4690 and 4691.**

## 7.16. SCHEDULE OF HOUSING PROPOSAL SITES: GENERAL

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1526	Kings Langley & District Residents' Association	4055	HCC Environment Department
1905	Hemel Hempstead Team Parish PCC	4558	Miss D Keys
2854	British Waterways	5080	Tring Environmental Forum
3747	Government Office for East of England	5161	Mr T McWalter MP

### Counter Objections

To pre-inquiry change 34

5578PC	Mr & Mrs Proctor	5741PC	Felden Park Farms Ltd
5684 PC	Apsley Developments Ltd		

### Support

1989 J Farrer

## Key Issues

- Has the schedule been prepared on the basis of a sustainable process. Do the services in the area have the capacity to serve the extra development. (5080)
- Should a proper infrastructure of pedestrian and cycle paths be required for new housing developments. (1905)
- Would the proposed schedule result in an unacceptable loss of greenfield sites with detrimental consequences in respect of flooding and wildlife. (4558)
- Is it necessary to release land from the Green Belt for housing development given the existence of other sites within the urban area; the reduced need for employment land; and the increase in homeworking. (1526, 5161)
- Are the housing sites in peripheral locations appropriate for affordable housing. (3747)
- Do the figures for the total net capacity and the units remaining to be completed in Part I of the Housing Proposal Schedule need to be amended. (5684PC, 5741PC)
- Should the Schedule be modified to indicate that the housing reserve sites may never be developed. Should the reserve sites that are shown as being released from the Green Belt be designated on the Proposals Map as 'Safeguarded Land' or 'Areas of Special Restraint'. (4055)
- Whether changing floorspace requirements means that the reserve sites no longer need to be designated. (5161)

- (i) Would the notes be better positioned at the start of the schedule. (2854)
- (j) Is it appropriate to amend the schedule to exclude West Hemel Hempstead Phase III as a reserve site. (5578PC)
- (k) Whether the Manor Estate Proposals should remain in the Plan. (5684PC, 5741PC)

## **Inspector’s Conclusions**

### **(a) *Sustainability and the capacity of existing services***

7.16.1. I have already addressed this issue earlier in my report. While I have some reservations about the Council’s ranking of certain sites, notably West Hemel Hempstead, I am satisfied that in general terms the schedule has been prepared on the basis of a sustainable process. Although in a few cases existing services, especially educational provision, would not have the capacity at present to serve the extra development, I find no reason to believe that these services could not be improved or extended sufficiently to cope with the increased demand without undue harm. I see no reason therefore for the schedule to be amended. Accordingly, I recommend that no modification should be made to the Plan in the light of objection 5080.

### **(b) *Pedestrian and cycle path provision***

7.16.2. I have no doubt that it is important that a proper infrastructure of pedestrian and cycle paths be provided as part of all new housing developments. However, I am satisfied that this could be achieved through Policies 62 and 63 of the Plan, which deal with these issues. In the circumstances, I see no need to make any amendments to the housing schedule to address this matter. I, therefore, recommend that no modification be made to the Plan in response to objection 1905.

### **(c) *Impact of greenfield development on flooding and wildlife***

7.16.3. Although the schedule will result in a loss of greenfield land, in the light of my earlier findings in respect of Policy 17 I do not consider that this can be avoided. There is no evidence that any of the greenfield housing sites lie within a floodplain, with the exception of H55, which is proposed for deletion. While there could potentially be problems with run-off due to the increase in the areas of land covered in hard surfacing, I have no reason to believe that this could not be adequately addressed through the provision of appropriate drainage.

7.16.4. Although the loss of greenfield land will undoubtedly have some impact on wildlife there is no evidence that any of the proposal sites, apart from Paradise Fields (H28), are located on areas of particular significance for wildlife. It may be necessary to fell a few trees on some sites but I have no reason to doubt that the Council would use its powers to protect those of greatest value. The requirements in the schedule would also ensure that new planting is undertaken to replace those that have to be removed. In the circumstances, I find no reason to believe that the proposed schedule would have significant detrimental consequences in respect of either flooding or wildlife. I am not persuaded, therefore, that the proposed schedule would result in an unacceptable loss of greenfield sites. I recommend no modification be made to the Plan in answer to objection 4558.

**(d) *Need for development in the Green Belt***

7.16.5. For the reasons I have already identified earlier in this report I consider that there is a need to release Green Belt land for housing in accordance with the provisions of Policies 6, 7 and 8 of the SPR. I am not satisfied that there is enough available land within the urban area to meet all housing needs up to 2011. Despite the changes in employment there will still be a need to retain a significant amount of employment land within the Borough in order to maintain the economic prosperity of the area. If too much employment land is taken for housing, there is a danger that this would lead to employment development having to take place on the Green Belt. Accordingly, I recommend that no modification should be made to the schedule in the light of objections 1526 and 5161.

**(e) *Suitability of peripheral sites for affordable housing***

7.16.6. I accept that providing affordable housing on peripheral sites is likely to be less sustainable than providing similar housing in locations closer to existing services. However, this has to be balanced against the availability of land for affordable housing and the viability of its provision. Many centrally located sites will be on brownfield land where the costs of development will often be much higher than for peripheral greenfield sites owing to the remedial work that is required. The amount of affordable housing that can feasibly be provided therefore on such sites is likely to be lower than on greenfield sites.

7.16.7. It is clear that there is a substantial need for affordable housing within the Borough. Even with the proposed contribution from peripheral greenfield sites it is apparent that this need would not be fully met. If affordable housing were not to be required on such sites there would be a very substantial shortfall of such housing in the Borough. In my view this would be directly contrary to the objectives of PPG3 and the SPR. I consider, therefore, that it is important that the peripheral sites make a significant contribution towards affordable housing. Most of the proposed sites are reasonably well located in terms of employment provision and local services. Providing the sites are accessible by a reasonable standard of public transport, I am satisfied that the provision of affordable housing would in most cases be sustainable. I, therefore, recommend no modification be made to the Plan in answer to objection 3747.

**(f) *Part 1 – figures***

7.16.8. As I have already identified in paragraphs 7.4.68 and 7.4.72 I find that the Plan needs to be updated to take account of recent completions. In my view this applies equally to the figures for the units remaining to be completed in the Schedule of Housing Proposal Sites. Similarly in the light of the advice in PPG3 and my findings in paragraphs 7.4.53 and 7.4.58. I consider that some amendments need to be made to the total net capacity figures in the schedule. I, therefore, recommend that the Housing Schedule be updated by amending the figures for completions and by increasing the total net capacity of certain sites in response to objections 5684PC and 5741PC.

**(g) Description and designation of reserved sites**

7.16.9. For the reasons I have already given in section 7.5 of my report, I believe Part III of the Schedule should be deleted in its entirety. I recommend that the Schedule should be modified accordingly in the light of objection 4055.

7.16.10. However, if the Council should determine not to accept this recommendation, I consider that at the very least the title of Part III of the schedule should be amended to make clear that such land may never be developed so that it accords with the aims of PPG3. In my view it would also be helpful if the reserve sites were specifically identified on the Proposals Maps as Areas of Special Restraint. Additionally I believe Policy 111 would be better relocated after Policy 3 in section 3 of Part I of the Plan.

**(h) Changing employment patterns and the need for reserved housing sites**

7.16.11. Although some companies are experiencing changing floorspace requirements, other companies may need to expand in the period up to 2011. New companies may also wish to start up in the area. A large amount of ex-employment land is already identified for housing development in the Plan. In the circumstances, while I accept that there may be some overall reduction in the amount of employment land that is required during the Plan period, I am not satisfied that, in itself, this would be so significant as to justify deleting the reserve sites. I, therefore, recommend no modification be made to the Plan in response to this aspect of objection 5161.

**(i) Positioning of the notes**

7.16.12. In view of the length of the schedule I consider that it would aid its interpretation if the notes were placed at the beginning of the schedule rather than at the end. I, therefore recommend that the Plan be modified accordingly in answer to objection 2854.

**(j) The deletion of West Hemel Hempstead Phase III**

7.16.13. For the reasons I have already outlined in paragraph 7.4.165 of my report I consider that it is appropriate for West Hemel Hempstead Phase III to be excluded from the schedule as a reserve site. I, therefore, recommend that no modification be made to the Plan in the light of objection 5578PC.

**(k) Removal of proposed housing sites at the Manor Estate**

7.16.14. In the light of my conclusions in paragraph 7.4.166 and sections 17.22 and 17.23 of my report I consider that Housing Proposal Sites TWA6 and TWA7 should be retained in the Plan. In the circumstances, I recommend that PIC 55, which seeks to delete them from the schedule, should not be proceeded with.

<b>Recommendation</b>
<p>7.16.15. <b>The Plan be modified as follows:-</b></p> <p style="padding-left: 40px;"><b>(a) update the schedule to take account of the progress on individual sites that</b></p>

has occurred since the Plan was placed on deposit, including any changes in the number of units completed;

- (b) delete Part III of the Schedule of Housing Proposal Sites (*see also recommendation at paragraph 7.4.174*);
- (c) amend the net capacity figures to take into account the advice in PPG3 and my recommendations in respect of the capacities of specific sites;
- (d) relocate the notes to the front of the schedule and update them as necessary.

7.16.16. PIC55 be not proceeded with.

7.16.17. No modification be made to the Plan in response to objections 1526, 1905, 3747, 4558, 5080, 5161, 5578PC.

## 7.17. HOUSING PROPOSAL SITE H1 NEW LODGE, BANK MILL LANE, BERKHAMSTED

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
125	Mrs A Duvall	3781	W E Helm
128	B Griffiths	3854	Mrs Tracey Singer
130	Mrs A Willis	4058	HCC Environment Department
494	Captain I V Baker	4094*	Lucas Aerospace
1239	The Chiltern Society	4166*	The Governors of Ashlyns School
2139	Mr and Mrs B C Freeman	4767	Berkhamsted Town Council
2849	British Waterways	4810	The Directors of Shendish Manor Estate
3776	Mr Ian Johnston	4879L	J M Bailey

### Counter Objections

To pre-inquiry change 35			
5296PC	Mr David W Jones	5789PC	Alfred McAlpine Homes East Ltd

### Support

132	Akeman Property Company Ltd
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### Supports for pre-inquiry changes

For pre-inquiry change 35			
5408PC	CPRE - The Hertfordshire Society	5609PC	Berkhamsted Town Council

## Key Issue

- (a) Whether or not land at New Lodge, Bank Mill Lane, Berkhamsted should be identified as a housing proposal site. (125, 128, 130, 494, 1239, 2139, 2849, 3776, 3781, 3854, 4058, 4094, 4166, 4810, 4879L, 5296PC, 5789PC)

## Inspector’s Conclusions

7.17.1. The objectors raise a number of issues in respect of this proposal. These include the lack of housing need for the site, its poor sustainability, the likelihood of it being available for development within the Plan period, the contribution it makes to the character of the area, the effect of its development on the adjoining countryside and the Grand Union Canal, the loss of trees and shrubs and the impact on the wildlife they support, the implications for the historical interest of the site, the effect on local

schools and other services, the need for open space for community use and the impact on traffic on surrounding roads. A number of the objectors suggest other sites would be preferable locations for development including land at Hilltop Road, Berkhamsted and at Breakspear Way and Shendish in Hemel Hempstead. In contrast, the counter-objectors argue that the site is suitable for housing and should be considered in preference to the proposed housing sites at West Hemel Hempstead (H34 & H51), Breakspear Way (H15A) and the Gas Board land at Boxmoor (TWA8).

#### *Housing Need*

- 7.17.2. While I understand objectors’ concerns regarding the loss of greenfield land I am not satisfied from the evidence available that there is any realistic prospect that the housing requirement can be met entirely on previously developed land within the urban area. I note the suggestion by two objectors (130, 3776) that alternative land is available at Stag Lane, the AgrEvo site and Berkhamsted Hill. However, these sites were included in the Council’s original calculations. In the circumstances, I am not satisfied that their existence is reason to conclude that the site at Bank Mill Lane would not be needed to meet housing requirements during the Plan period.
- 7.17.3. The Council concedes that the sites identified at Hemel Hempstead are sufficient to meet the strategic housing allocation required under Policy 8 of the Structure Plan Review. However, in my view, this will not be enough to meet the total housing requirement even if one adds the substantial areas of brownfield land that the Council has identified for housing development. Consequently, I conclude that some additional peripheral development will be essential to satisfy housing need in the period up to 2011.
- 7.17.4. Policies 6 & 7 of the SPR specifically allow for limited peripheral development in towns like Berkhamsted where this would meet sustainability objectives. For the reasons I give in Chapter 4 I consider that it would be reasonable for Berkhamsted to make a modest contribution to the overall housing requirement of the Borough through limited peripheral development. I am satisfied therefore there is sufficient housing need to justify the allocation of land at Bank Mill Lane for housing. In reaching this conclusion, I have taken account of the fact that the Council has not undertaken a fully capacity study. However, for the reasons I have already given I doubt this is likely to reveal significant additional land. In the circumstances, I am not persuaded that the absence of such a study would warrant deleting Proposal H1.
- 7.17.5. However, in the light of the advice in PPG3, regarding the phased release of greenfield sites, I consider that this site should be included in Part II of the Schedule for development after 2006 rather than Part I. This would allow development of the site to be deferred should it prove that substantially more brownfield sites come forward for development than the Plan predicts.

#### *Sustainability considerations*

- 7.17.6. Although the site lies just over 1000 metres from the station I consider that it would be within reasonable walking distance in this instance, bearing in mind the journey would be entirely along the level valley floor. The walk would be even easier if the section of the canal towpath from Bank Mill Lane to Ravens Lane were resurfaced. More importantly, the site is on a main bus route and is within reasonable proximity of the

town centre and the nearest primary school. I consider therefore that, subject to improvements to the canal towpath, the site would be an accessible and sustainable location for housing development. Indeed, I note that the Council’s initial appraisal of areas of search (CD43) and its subsequent sustainability assessment of proposed housing sites (CD53A) give the site a high score in terms of its sustainability.

*Availability for development*

- 7.17.7. It is suggested that the land may not be available for development during the Plan period. However, no evidence has been provided to support this assertion. As much of the land would appear to be already owned by a development company I am satisfied that there is a realistic prospect of it coming forward for development before the end of the Plan period.

*Character of the area*

- 7.17.8. I acknowledge that the site makes an important contribution to the attractive eastern approach to the town, but this is largely due to the mature trees that border the site. The site was previously in use as a nursery that closed some years ago. Many of the associated structures are now derelict or in poor condition and the site is generally untidy. I consider, therefore, that providing the mature trees around the boundaries are retained, redevelopment of the site should actually enhance the appearance of the area.

*Effect on the countryside and the Grand Union Canal*

- 7.17.9. While the eastern boundary of the site is relatively weak I see no reason why the existing conifers at the southern end could not be supplemented by additional planting. Subject to further landscaping, I am satisfied that the development of the site for housing would not have a substantial impact on the open countryside to the east. I accept that it may have a greater impact on the rural character of Bank Mill Lane and the setting of the River Bulbourne. However, providing the trees along the lane are retained and any buildings are set back a reasonable distance from the riverbank I am satisfied that the development should not seriously erode the pleasant rural ambience of the lane and adjoining river. In view of the distance the site is set from the Grand Union Canal and the intervening vegetation I find no reason to believe it would have a detrimental impact on its setting.

*Trees and wildlife*

- 7.17.10. There is no doubt that the mature trees on the site form an extremely important and attractive feature which provide a significant amenity both for local residents and for those travelling along the A4251, which is clearly recognised by the Tree Preservation Order. I acknowledge, therefore, that the retention of most of these trees, particularly those around the boundary of the site, would be critical to maintaining the character of the area. I saw during my site visit that there is a substantial area of open land inside the site. I am satisfied, therefore, that it should be possible to accommodate the specified level of development whilst still retaining most of the trees on the site. I accept that this is most likely to result in the development taking the form of blocks of flats. However, in view of the significant difference in level between the A4251 and the site, I consider that 3-storey development could be accommodated on the land without causing harm to the character of the area.

- 7.17.11. While I have no doubt that the site does support some wildlife, there is no evidence that it is of significant nature conservation interest. If the majority of the mature trees are retained, the site is appropriately landscaped and the River Bulbourne is suitably protected during the development I see no reason why the development should have an adverse impact on wildlife in the area.

*Historical Interest of the site*

- 7.17.12. One objector (125) contends that the site is an ancient, prehistoric settlement area and another (4058) refers to the archaeological interest of the land. However, no detailed evidence has been provided to support these claims and the land is not subject to any formal archaeological designation. In the absence of any evidence in respect of the historical interest of the site, I am not satisfied that it is of such importance that it warrants recommending that the proposal be deleted. If evidence does subsequently come to light, Policy 114 of the Plan would allow the Council to require evaluation and mitigation measures as part of any development. In my view this would provide an adequate safeguard in this case.

*Effect on local schools and other services*

- 7.17.13. While the additional housing will in all probability lead to the need to accommodate more pupils at local schools, there is no evidence that the schools would be unable to cope with this demand. Unlike on other sites the County Council has not requested that developers in this case should be required to make a financial contribution to educational provision. This would suggest that there is sufficient capacity within the educational system in Berkhamsted to cater for the additional children arising from this site. If this were not the case it would be open to the Council to seek a contribution from the developer at the planning application stage in order to provide for the expansion of existing educational facilities.
- 7.17.14. As for other services, there is no evidence that they are under particular pressure. Indeed, it seems to me that the vitality of the town centre could potentially benefit from a modest increase in the population. Although it is suggested that the local water supply is insufficient to serve the additional housing there is no evidence that the local water company considers there to be a significant problem in this regard. I am not satisfied therefore that development of this site for housing would place undue pressure on local services.

*The need for open space*

- 7.17.15. The Leisure and Open Land Technical Report (CD58) makes clear that there is a substantial shortfall of some 25.13 hectares of open space in Berkhamsted when compared with NPFA standards. Although the provision of playing fields at Durrants Lane/Shootersway (*see section 7.45 of my report*) would go some way to addressing the shortfall, a substantial deficit would still remain, especially in respect of informal open space. I accept, therefore, that the use of land at Bank Mill Lane to provide public open space would be beneficial, particularly as a substantial part of the residential area to the south of the A4251 currently lies more than 400 metres from an area of open space.

- 7.17.16. However, there is little evidence that the Council or any other party would be willing or able to acquire the land for this purpose. In the light of the problems the Council has had in achieving longstanding proposals for additional open space in Tring, I consider that even if this land were designated as open space there would be little realistic prospect of it being achieved. In these circumstances, and in the light of the pressing need for additional housing land, I consider it would be unreasonable to recommend that the proposal to develop the site for housing should be deleted on grounds of the existing deficiency in open space.

*Traffic considerations*

- 7.17.17. The Plan’s requirements stipulate that access to the site should be from London Road. It seems unlikely therefore that traffic arising from the site would have a significant impact on traffic on Bank Mill Lane or Bulbeggars Lane. Even if access were to be taken off Bank Mill Lane I doubt that it would lead to a substantial increase in vehicles using these roads. I accept that if the junction to Bank Mill Lane were closed this could have an impact on traffic flows on these roads, especially if occupiers of properties on Bank Mill Lane were forced to use Bulbeggars Lane to access the A4251. However, even if this were the case I am not satisfied that the level of traffic on these lanes would be unacceptably high.
- 7.17.18. I appreciate the concerns expressed about traffic congestion on the London Road and note the assertion that traffic on the A4251 has returned to the levels that existed prior to the construction of the A41 bypass. However, traffic levels have grown nationally over the last 8 years so it is not surprising that traffic has also increased on the A4251 during this period. While current levels may mean that vehicles entering from Bank Mill Lane have to wait longer than they have in the past, I am not persuaded that development of this site for housing would make matters significantly worse. There is no indication from the Highway Authority that London Road does not have the capacity to accommodate the additional traffic.
- 7.17.19. I accept that the creation of a roundabout on London Road could cause some interruption to traffic flows. However, there is no certainty that the provision of such a feature would be essential to development of the site. Even if it were, I am not satisfied that any additional delays it might cause would result in serious traffic congestion. My view is strengthened in this case by the fact that future occupiers of the site would have access to the regular half hourly bus service which runs along the London Road. It seems likely, therefore, that the site will generate lower levels of car usage than would occur on some of the other sites proposed for development in the Plan. The situation could possibly be improved still further by the provision of a new bus stop closer to the site. I conclude therefore that development of this site for housing would not lead to serious traffic congestion on surrounding roads.

*Other sites*

- 7.17.20. The Governors of Ashlyns School (4166) suggest that a site at Hilltop Road would be a better location for development. However, in my view, development on that site would have a far more substantial impact on the Green Belt owing to the lack of any defensible boundary. In addition, I consider that it would be a less sustainable location for housing due to its position on the upper slopes of the valley.

- 7.17.21. It is suggested in objection 4094 that it is not appropriate for greenfield land in Berkhamsted to be allocated for housing until settlement capacities for the Borough’s towns have been established. This is presumably because the objector favours development at Breakspear Way, Hemel Hempstead. However, not only is this site much larger than the Bank Mill Lane site but it would also, in my view, be a much less sustainable location for housing owing to the distance to the nearest primary school and local centre. Objection 4810 implies that the release of land at Shendish would be preferable but in my view that site would also have greater impact on the Green Belt. I am not satisfied, therefore, that any of these sites would be preferable to the site at Bank Mill Lane.
- 7.17.22. As to the sites mentioned by the counter-objectors, I agree that the Bank Mill Lane site is more sustainable than the sites at West Hemel Hempstead for the reasons I have set out in sections 4.36 and 7.33 of my report. I have therefore recommended that the Council seriously reconsider the inclusion of these sites. However, even if the Council should decide to retain the sites at West Hemel Hempstead in the Plan, I am not satisfied that this would justify deleting the site at Bank Mill Lane, bearing in mind its high level of sustainability. In my view consideration would need to be given to the deletion of other less sustainable sites first.
- 7.17.23. As for the Gas Board land (TWA8), I do not accept the counter-objector’s argument that the allocation of this land for housing would have a detrimental impact on employment provision within the Borough for the reasons I set out in section 17.24 of my report. However, even if the whole of TWA8 is allocated for housing, as I have recommended it should be, I am not satisfied that this would justify the deletion of the Bank Mill site. I consider that the Council has seriously over-estimated the number of dwellings that are likely to come forward on unidentified sites. (*see paragraphs 7.4.99 to 7.4.147*) It will therefore be necessary for the Plan to provide for more housing on identified sites.

*Conclusions*

- 7.17.24. I conclude, that Housing Proposal Site H1 should be retained in the Plan and that PIC35 should, therefore, not be proceeded with. In addition, I consider that the Council should consider modifying the requirements to include for improvements to the Grand Union Canal towpath between Bank Mill Lane and Ravens Lane so as to facilitate access to Berkhamsted Station for pedestrians and the provision of a new bus stop. They may also wish to consider amending the requirements to give greater guidance in respect of the appropriate form of the development. Finally, in the light of my recommendations in paragraphs 7.5.59 and 7.9.17 of my report I recommend that the site should be relocated to Part II of the Housing Schedule and the site capacity should be increased to 50 dwellings.

**Recommendation**

7.17.25. **PIC35 not be adopted.**

7.17.26. **The Plan be modified as follows:-**

**(a) relocate Housing Proposal Site H1 in Part II of the Schedule of Housing**

**Proposal Sites;  
(b) increase the site capacity to 50 dwellings.**

7.17.27. **The Council considers amending the planning requirements to include provision for the improvement of the towpath to the Grand Union Canal and the provision of a new bus stop. In addition consideration should be given as to whether in the light of the increased capacity it would be appropriate for the Plan to give greater guidance on the acceptable form of development.**

**7.18. HOUSING PROPOSAL SITE H3  
BERKHAMSTED HILL, BERKHAMSTED**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1109	Dr B N Parsons	3748	Government Office for East of England
1287	CPRE - The Hertfordshire Society	4323	Mrs A J Nobbs

**Supports**

126	Mrs A Duvall	1473	HCC Environment Department
995	Mr Ian Johnston		

**Key Issues**

- (a) Should the site have remained in an employment use. (1109)
- (b) Can the traffic generated by the proposal be accommodated on surrounding roads. (1109)
- (c) Is the site suitable in terms of public transport provision. (1109, 4323)
- (d) Should the housing capacity of the site be increased by an extra 20 dwellings. (1287).
- (e) Does the site need to be identified as a Major Developed Site in the Green Belt. (3748)

**Inspector’s Conclusions**

- 7.18.1. Planning permission was granted on appeal for this site in March 1999 and it would appear that the development has been largely completed. In the circumstances most of these objections are now largely academic and I therefore do not propose to deal with them at length.
- 7.18.2. It appears that the site was marketed for employment use for some time before planning permission was granted for its redevelopment as a retirement village but no interest was generated. The latter development was considered by the Secretary of State to bring significant advantages not least in improving the setting of the listed building. Provision has been made for the site to be accessed by public transport. I note the suggestion that car ownership on the site should be reduced. However, I do not see how the Council could effectively achieve this now permission has been granted, even if this were appropriate. In any case there is no evidence that the development of the site has led to an unacceptable level of traffic on adjoining roads.
- 7.18.3. Clearly as the site has now been developed in accordance with the planning permission there is no scope for increasing the housing numbers at present. To seek to encourage

further development on the site could, in my view, be damaging to the setting of the listed building and/or the adjoining countryside. I am not satisfied therefore that this would be warranted. However, in the light of the site’s current status, I recommend that the Council should either delete the proposal from the Plan, if it has been completed, and amend the figure for completions in Policy 17 accordingly, or revise the capacity of the site to reflect the actual number of units for which permission was granted and update its progress.

7.18.4. Since the Secretary of State gave permission for the site on the basis that it was to be identified in the Plan as a major developed site I agree with the Government Office that it should be identified as such in the Plan. I therefore support PIC36. However for the reasons I have identified in section 4.11 of the report I consider that it should also be included in an additional policy on major developed sites in the Green Belt and identified as such on both the Proposals Map and a new appendix. The latter would show the area of the site where infilling would be appropriate.

**Recommendation**

7.18.5. **The Plan be modified as follows:-**

- (a) the site be included in proposed new policy 3A and shown on the Proposals Map and a new appendix as a Major Developed Site in accordance with the recommendation in paragraph 4.11.41;**
- (b) either Proposal H3 is deleted and the figure for completions in Policy 17 revised accordingly or the capacity for the site is amended to 157 dwellings in accordance with the planning permission and the site progress updated to reflect the current position.**

**7.19. HOUSING PROPOSAL SITE H4  
LAND AT GOSSOMS END/STAG LANE, BERKHAMSTED**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
379	Tesco Stores Ltd	2850	British Waterways
996	Mr Ian Johnston	4059	HCC Environment Department
1014	Berkhamsted Citizens’ Association	4660	HCC Corporate Services Department
1751	Berkhamsted Town Council	4811	The Directors of Shendish Manor Estate

**Support**

1101 Mrs P M Beaton

**Support for pre-inquiry change**

For pre-inquiry change 37  
5610PC Berkhamsted Town Council

**Key Issues**

- (a) Whether the site should be allocated for a mixed use scheme to include housing, food retail and a petrol filling station. (379)
- (b) Should the affordable housing requirement be for one or two bedroom properties and should a proportion of the houses be reserved for people who would not own or drive a car. (996)

- (c) Do the requirements need to refer to the dwellings being of a high architectural standard and to the need to safeguard the existing vegetation along the canal. (996)
- (d) Is a secondary access from Belton Road/Riverside Gardens a sensible proposition. (1014)
- (e) Would it be appropriate to include promoting tourism as an aim for Housing Proposal H4 (1751).
- (f) Should the developer be required to provide a number of live-work units on the site (1751).
- (g) Should the planning requirements make reference to the implication of development of the site on the stability of the canal embankment. (2850)
- (h) Do the planning requirements need to refer to the site’s archaeological potential. (4059)
- (i) Should all housing contribute towards education provision. (4660)
- (j) Is the site at Shendish Manor, Hemel Hempstead, preferable. (4811)

### **Inspector’s Conclusions**

#### **(a) *A mixed use for housing, food retail and petrol filling station***

- 7.19.1. This objection is linked to objection (378), which seeks to have the land at Stag Lane/Gossoms End identified in the Plan as a Shopping Proposal Site. Tesco Stores Ltd argues that there is a quantitative and qualitative need for additional food retail facilities in Berkhamsted. In its view the only reasonable location on which this could be provided is the Stag Lane site which they own. The accommodation in the existing Tesco store in the town centre is inadequate for present day needs and would be expensive to upgrade. Since not all the site would be required for a food store there would be space to accommodate in the region of 96 dwellings on the Stag Lane site in addition to the proposed food store. If the site of the existing store in the town centre was redeveloped as flats a similar number of units to that proposed in the Plan for the Stag Lane site could still be achieved. It also contends that as Tesco Stores own the land it is unlikely to be available for housing during the Plan period.
- 7.19.2. The Council argues that the site is suitable for housing and indicates that the Plan makes provision for mixed-use schemes in a number of locations. It questions whether 120 dwellings could in fact be provided as part of the objector’s proposal. In any case, in the Council’s view there is insufficient quantitative or qualitative need for further food retail facilities in Berkhamsted to warrant the site being allocated for this purpose. The need for housing land is far stronger and in the light of commercial considerations and the statutory powers the Council has to acquire land there is a reasonable prospect that it could be developed for housing during the Plan period.
- 7.19.3. I deal with the need for additional food retail facilities in Berkhamsted and associated issues in section 9.18 of my report. For the reasons I set out there I am not satisfied that either the quantitative or qualitative need for such facilities would be sufficient, during the Plan period, to warrant allocating the Stag Lane site for such a use. At this stage, therefore, I address only the issues relating to the suitability of the site for housing; the appropriateness of a mixed use of the site; the capacity of the site and whether any shortfall in housing could reasonably be met elsewhere; and finally the availability of the land.

***Suitability of site for housing***

- 7.19.4. The Stag Lane site lies on a main bus route and within reasonable walking distance of the town centre. If access were provided to the canal towpath as part of the development, it would, in my view, be just within feasible walking distance of the station. It also lies close to existing employment opportunities and other local facilities. It would appear that at present local services, including the local primary school, have the capacity to accommodate the development. I consider, therefore, that Stag Lane would constitute a highly sustainable location for housing.
- 7.19.5. Moreover, the Plan proposal would involve the reuse of vacant or older employment land for housing. I consider that this use of the land would accord with the aims of national policy, especially as set out in PPG3, which seeks to encourage local authorities and developers to make best use of urban land. Owing to the tight constraints imposed by the Green Belt and AONB there are very few sustainable opportunities for housing within Berkhamsted. Although the objector considers the Council’s housing strategy would be sufficiently robust to meet the requirement without the whole of this site, I do not share this view. In the light of my findings in section 7.4 of my report, I consider that far more housing needs to come forward on identified sites than the Council’s strategy originally proposed. In my view this strongly reinforces the need for the Stag Lane site to be allocated for housing.

***Mixed use***

- 7.19.6. While national advice gives significant encouragement to mixed-use developments there is no indication that this form of development is preferable to any other use that would achieve the successful and sustainable recycling of brownfield land. Moreover, there is no evidence that the Council is averse to mixed-use schemes in principle. Indeed the Plan proposals in respect of the Plough Site in central Hemel Hempstead and the ex-John Dickinson’s site at Apsley (TWA3) indicate that the Council has positively encouraged such schemes in appropriate locations. I am not satisfied, therefore, that the Plan’s strategy in relation to mixed-use schemes is at variance with national advice. Having said this I do not accept the Council’s arguments that a large food store would necessarily be out of keeping with the residential character of the area due to its bulk, scale and mass.

***Capacity of the site and means of addressing any shortfall***

- 7.19.7. The illustrative scheme submitted by the objectors which shows that up to 96 dwellings could be accommodated on the site, in addition to the food store, would appear to be deficient in amenity space. However, it seems to me that something approaching this number of units could probably be accommodated in a modified layout. If the site of the existing store in the town centre was redeveloped for flats, as suggested by the objector, I consider that it might be possible to achieve in the region of 120 units from the 2 sites, even with the proposed food store.
- 7.19.8. I note the Council’s view that there would be significant legal difficulties in tying the redevelopment of the existing store to the development of the Stag Lane site. However, I am not convinced that such difficulties would be insurmountable, particularly if the Government makes the changes it proposes to the system of planning

gain. Nevertheless, in the absence of a clear need for a food store on this site I am not satisfied that such an approach would be justified in this case.

- 7.19.9. My view is strengthened by the fact that it is apparent from the illustrative scheme that the Stag Lane site has the capacity to accommodate significantly more dwellings than was originally envisaged in the Plan. The use of the whole site for housing would, therefore, be likely to reduce the amount of greenfield land that is needed for housing. In my view, this is a very important consideration in the light of tight constraints on housing land that exist. The central location of the site and its accessibility are further reasons to support the site being developed at a higher density, in line with the advice in PPG3. Judging from the illustrative layout I consider that it would be reasonable to expect this site to be able to accommodate at least 150 units. There is no way this number of units could be achieved if part of the land was developed as a food store, even if the existing store in the town centre was redeveloped for flats.

*Availability of the site for housing*

- 7.19.10. I understand the Council’s views that landowners should not be able to thwart a Plan proposal that is in the public interest. However, the fact that in this case the owner of the land objects to its use for housing is clearly a material consideration in determining whether or not there is a reasonable prospect that the site will come forward for housing during the Plan period.
- 7.19.11. In this instance, I note that Tesco Stores Ltd acquired the land in the expectation that they would eventually be able to develop a store on the land and can therefore appreciate their reluctance to allow it to be put to another use. However, their purchase of the site occurred after permission was refused on appeal for a food store in 1993. It was therefore far from a foregone conclusion that permission for a food retail facility on the site would ever be forthcoming when they obtained the land.
- 7.19.12. More importantly, although it is Tesco Stores Ltd's current intention not to sell the site, I am not persuaded that this stance will necessarily persist for the remainder of the Plan period. Clearly, as the Council suggests, the commercial realities of such an approach would have to be carefully weighed up. While I appreciate that Tesco’s is currently receiving commercial rental income on some of the site, I would question whether this would be sufficient to justify them retaining the land for a further ten years. The fact that they are likely to realise a substantial price for the site from a housing developer, bearing in mind that house prices in the town are the highest in the county, would in my view be a significant inducement for them to sell the site.
- 7.19.13. However, even if Tesco’s sought to maintain their current stance, it would be open to the Council to use their compulsory purchase powers to acquire the site. Judging from the evidence and in view of the substantial pressure to reduce the amount of Green Belt land that is developed for housing I have every reason to believe that the Council would do so if it proved necessary. In the light of the advice in paragraphs 43 and 44 of PPG3 I consider that it is realistic to assume that they would receive the support of the Secretary of State for such an approach. In the circumstances, while there may be some delay in the site coming forward, I am satisfied that there is a reasonable prospect of it doing so before the end of the Plan period.

7.19.14. I conclude, therefore, that the need for a food retail facility does not outweigh the overwhelming need for the site to be used to provide additional housing. In my view the site is eminently suitable for this use and would make a valuable contribution to the overall housing requirement. While it might be possible for a scheme to be developed that would provide for the amount of housing specified in the Plan together with the food store, I consider that the site has the potential to make a far greater contribution to the housing requirement. In my view there is a reasonable prospect that the site will come forward for housing before the end of the Plan period, despite the owner’s present resistance to selling the land. I am satisfied therefore that the allocation of the site for housing under Proposal H4 is appropriate and I recommend no modification should be made to the Plan in answer to objection 379. However, in the light of my comments in paragraph 7.19.9, I recommend that the net capacity for the site should be increased to 150 dwellings.

**(b) *Affordable and car free housing***

7.19.15. Although there may well be a need for one and two bedroom units, I consider that it is reasonable to assume that there would also be some requirement for larger affordable homes in the town, bearing in mind the high cost of housing in Berkhamsted. I do not consider, therefore, that it would be appropriate to seek to limit the type of affordable dwellings that would be provided in the Local Plan. In my view this is best left to the planning application stage when the Council would be able to better determine the appropriate mix of dwellings in the light of prevailing circumstances and the general requirements set out in Policies 19 and 21.

7.19.16. Although this site is on a main bus route, the furthest point of the site it is over 900 metres from the Kings Road/High Street crossroads, which in my view forms the centre of the shopping area. It is even further from the station. In these circumstances, I do not consider that the site would be very suitable for development as a car free zone. I am not satisfied therefore that it would be appropriate for the requirements to specifically refer to such measures. I see no need to modify the Plan in this regard. However, it would be reasonable, in my view, for the Council to explore methods of restricting car usage at the development brief and planning application stages in the light of the advice in PPG3 and PPG13. Such methods could include requiring a percentage of future occupiers to enter into an undertaking not to use a car, as suggested by the objector. I would, therefore, encourage the Council to consider this matter again at the development brief stage.

**(c) *Design and layout***

7.19.17. I have no doubt that in the light of the advice in paragraphs 13 to 20 of PPG1 the Council should be seeking a high standard of design for new development. However, this advice applies to all developments and I do not consider it should be necessary to single out individual sites in this regard. I appreciate the objector’s concern about the design of the dwellings on the AgrEvo site. However, in this case the site does not lie within the Conservation Area. Providing the Council pays due regard to the requirements of Policy 9 of the Plan and the advice in PPG1 I see no reason why a high standard of housing design should not be achieved on this site.

7.19.18. As for the trees that screen the site from the canal towpath I note that the requirements already specify that the relationship to the canal must be carefully considered and the

canalside environment significantly enhanced. In my view this gives sufficient scope for the Council to secure the retention of important screening along the boundary of the site with the canal in the development brief. I see no need for the Plan to go into this level of detail. In conclusion, I recommend that no modification should be made to the Plan in response to objection 996.

**(d) Access provision**

7.19.19. The objector gives no reason for concluding that secondary access from Belton Road/Riverside Gardens is very likely to prove unsatisfactory. The requirements merely state that access from these roads should be investigated. There is no indication that provision of secondary access would be essential to the development of the site. Clearly, therefore, it could be omitted from the final scheme if further investigation were to reveal it would be unsatisfactory. I therefore see no need for the Plan to be modified in the light of objection 1014.

**(e) Tourism and the Grand Union Canal**

7.19.20. The requirements make clear that the canalside environment should be significantly improved as part of the development of the H4 site. This would go some way towards improving the tourist potential for the canal. However, as few of the canalside facilities suggested in the requirements for Housing Proposal Site H8 (AgrEvo) have actually been provided, I can understand the Town Council’s desire to see greater encouragement given in respect of the Stag Lane site.

7.19.21. In this case though, there is generally a significant difference in level between the site and the canal. In my view, this is likely to mitigate against the provision of canalside facilities at this location. I note the Council’s suggestion that improved pedestrian and cycle links to the canal could be explored as part of the development brief process. I consider the provision of such links would be beneficial as they would not only enhance the Canal’s tourist potential but could also increase its use as a recreational resource. I doubt that the provision of such links would have a significant impact on the capacity of the site.

7.19.22. Although I understand the reasons why the Council considers it would be more appropriate to leave such matters to a later stage, I believe that it would be sensible for the requirements to refer to the possible provision of such links. Leaving all such matters to the development brief would not, in my opinion, give a clear enough indication to potential developers as to what is likely to be expected of them. Accordingly, I recommend that, in the light of objection 1751, the requirements for Housing Proposal Site H4 should be modified to refer to the need for pedestrian and cycle links to the canal to be investigated as part of the consideration of the site’s relationship to the canal.

**(f) Live-work units**

7.19.23. At the inquiry the Town Council extended their original objection to cover the issue of the provision of live-work units. In its view such units would encourage younger people to live in Berkhamsted, which would ensure the future economic health of the community. The Borough Council indicated that it was not adverse to such units being provided where they were appropriate but acknowledged that they had no

previous experience of them. There was no evidence to suggest that there was any need or demand for such specialist facilities in Berkhamsted. In the circumstances, the Borough Council considers that it would be inappropriate for the requirements to be amended to specifically require the provision of such units on the Stag Lane site.

- 7.19.24. I have no doubt that in principle live-work units could form an important seed bed for the establishment of new small businesses. As such they could potentially make a very valuable contribution to the future economic prosperity of the Borough. I appreciate that the Council intends to develop more small and medium sized commercial units at the Northbridge Road General Employment Area to the west of the objection site. However, in an area where property prices and rents are generally very high it is often difficult for new businesses to afford to purchase or rent new commercial premises. In the circumstances, while the provision of the additional units at the Northbridge Road GEA would undoubtedly make a contribution to the future economic vitality of Berkhamsted, I am not satisfied they would entirely address the Town Council’s concerns.
- 7.19.25. Having said this I am not satisfied that it would be appropriate to seek the provision of such units on this site as part of the planning requirements specified in the Local Plan at the present time. While this site would appear to be generally suitable for such units there may be other more appropriate sites elsewhere in the Borough. More importantly, there is currently no evidence of any need or demand for such units. In the absence such evidence I do not consider it would be appropriate for me to recommend that Proposal H4 be modified to require such units to be provided at Stag Lane. Accordingly, I recommend that no modification should be made to the Plan at this stage.
- 7.19.26. However, I would strongly urge the Council to investigate further the level of need and/or demand for such units. In the light of the changing patterns of the local economy it is possible that imaginative approaches like live-work units may have a vital role to play in sustaining the Borough’s economic prosperity in the future. If the study should reveal that there is a significant potential demand then the Council should undertake a follow up study to identify the most suitable locations for such units. If the Plan has not been adopted by that stage, the planning requirements for the housing proposal sites should be modified in order to secure the provision of live-work units on the sites that have been identified as being suitable in the study.

**(g) *Stability of the canal embankment***

- 7.19.27. Objection 2850 expresses concern about the impact of development on the stability of the canal embankment and suggest that the requirements should be amended to refer to this and to require the developer to contact British Waterways at an early stage. The Council argues that there is no indication that this concern precludes development of the site. In its view, therefore, such matters can reasonably be left to the planning application stage when British Waterways would be automatically consulted as a statutory consultee.
- 7.19.28. Since British Waterways would be a statutory consultee and presumably would be also consulted at the Development Brief stage I see no need for the requirements to be amended to require the developer to consult them. However, in view of the significant difference in level between the canal and the housing site it is clear that ensuring the

stability of the canal will be a critical consideration in any subsequent development of the site. In my view therefore it constitutes a matter of principle and not merely a question of detail as the Council suggest. While I have no reason to believe that it would prevent a suitable scheme coming forward, I believe it would be sensible for this issue to be flagged up at the Local Plan stage to ensure that the matter is given early consideration by any potential developer. Accordingly, I recommend that in response to objection 2850 the requirements should be modified to include a reference to maintaining the stability of the canal embankment.

**(h) *Archaeological interest***

7.19.29. The Council acknowledges that the site lies within an area that is designated as being of archaeological significance. They therefore propose under PIC37 to insert a requirement that the archaeological potential of the site be investigated. However, I am not satisfied that this change would be sufficient to meet the concerns of the objector. More importantly it establishes a lower requirement than has been put forward by the Council in respect of other housing sites which do not fall within an area of archaeological significance (e.g. PIC38 in respect of H16).

7.19.30. While I appreciate the Council’s desire to promote the early development of this site, I do not consider that a requirement to undertake a proper archaeological evaluation of the site and any necessary mitigation measures would act as a significant constraint. In a designated area of archaeological significance I think this should be a minimum requirement. I therefore suggest that PIC37 should not be proceeded with. Instead I recommend that the requirements for Proposal H4 should be modified in the same manner as proposed under PIC38 in relation to Housing Proposal H16.

**(i) *Educational provision***

7.19.31. Turning to the issue of educational provision, I agree that where existing facilities need to be improved or expanded in order to accommodate children from a particular development it would be appropriate for the Plan to require a contribution to be made towards educational provision. Where the situation is less clear but it is possible that by the time the development comes forward their may be insufficient capacity within existing schools to accommodate the expected increase in pupil numbers I consider that the Plan should also indicate that a contribution may be required. In this regard I note that the Council now proposes to make a number of further changes to the Plan in order to meet the County Council’s concerns, which I generally endorse.

7.19.32. As the proportion of children attending private schools in Berkhamsted is considerably higher than the national average it is possible that the pressure on local state schools from new development will be less than elsewhere in the Borough. However, I am not satisfied that this would be sufficient to justify omitting a requirement to make a contribution towards educational provision, where it appears there might be pressure on the state system. Whether or not children living on a particular site would be educated privately or in the state system will primarily be a matter of parental choice and is not a matter over which the developer or the Council would have any control.

7.19.33. In this case the Borough Council argue that as the schools in the centre of Berkhamsted currently have sufficient capacity to accommodate pupils from this site there is no need to refer to additional educational provision in the requirements.

However, Berkhamsted has an unusual 3-tier system of schooling. While the evidence indicates that there is currently space at Westfield First School and at the secondary school, both middle schools are apparently full. Moreover, it would appear that the development of the AgrEvo site is likely to increase pressure on the school system in Berkhamsted. I consider, therefore, that it would be reasonable for the requirements to indicate that a contribution towards educational provision may be required in line with other housing sites in the Plan.

7.19.34. My view is strengthened in this case by the circumstances surrounding this Proposal. While I am reasonably optimistic that it will come forward for development during the Plan period, the unwillingness of the current owners to release it for housing may result in its development being delayed. It is possible therefore that by the time the site does come forward the situation at local schools may have changed so that there is no longer sufficient capacity at primary level to accommodate the development. I, therefore, recommend that, in the light of objection 4660, the requirements should be modified to state that a contribution towards educational provision may be required.

*(j) Is the Shendish site preferable*

7.19.35. As this is a brownfield site situated in a sustainable location close to the centre of Berkhamsted, I consider that it is appropriate for it to be given preference over the development of the substantial greenfield site at Shendish, which the objectors have put forward. A large part of the Stag Lane site is vacant and there appears to have been little interest in its redevelopment for employment purposes. I appreciate that there are businesses operating on the rear part of the site but there is no evidence that their relocation would significantly undermine the economic health of the local community. In the light of my findings in Chapter 8 I am satisfied that the loss of employment land at this location would not be detrimental to the future economic prosperity and sustainability of the Borough. In my view there is a far more pressing need to find previously developed sites within the existing urban area to accommodate additional housing in order to minimise the long-term impact on the Green Belt.

7.19.36. I appreciate the reasons why the availability of this site has been brought into question. However, I am satisfied that there is a reasonable prospect that this land could be brought forward for housing within the Plan period for the reasons I give in paragraphs 7.19.10 to 7.19.13 above. I am not satisfied, therefore, that there are grounds to justify its deletion in favour of the allocation of land at Shendish. Accordingly, I recommend that no modification should be made to the Plan in response to objection 4811.

**Recommendation**

7.19.37. **The Plan be modified as follows:-**

- (a) amend the net capacity for the site to 150;**
- (b) delete the last part of the Planning requirements beginning with the words “The relationship of the site to the canal must be carefully considered...” and substitute therefore the following wording:-**

**“The relationship of the site to the canal, including the provision of suitable pedestrian and cycle links, should be carefully considered. The canalside environment should be significantly enhanced and the stability of the canal embankment safeguarded. A programme of archaeological evaluation will be required and the implementation of any necessary mitigation measures. A contribution towards the provision of additional educational facilities may also be required. A development brief should be prepared.”**

7.19.38. In addition the Council undertakes a study to determine the need/demand for live-work units within the Borough. If the study demonstrates that there is a need/demand for such units then the Council should undertake a further assessment of the most suitable locations for them to be provided and, if appropriate, amend the requirements for the relevant Housing Proposal sites accordingly.

## **7.20. HOUSING PROPOSAL SITE H8 FORMER AGREVO SITE, HIGH STREET, BERKHAMSTED**

### **Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
997	Mr Ian Johnston	3855	Mrs Tracey Singer
1752	Berkhamsted Town Council	4661	HCC Corporate Services Department
2851	British Waterways	4812	The Directors of Shendish Manor Estate

### **Key Issues**

- (a) Is it appropriate for all housing sites to contribute towards education provision. (4661)
- (b) Would it be better if the affordable housing consisted of one and two bedroom properties. (997)
- (c) Should the level of car ownership be restricted. (997)
- (d) Is a higher standard of design appropriate. (997)
- (e) Should account be taken of Policy 89 when planning approval is sought for the site. (1752)
- (f) Does the reference to the provision of canal-side facilities in the planning requirements need to be deleted. (2851)
- (g) Should the site be made available for uses other than housing. (1752, 3855)
- (h) Whether the site should be allocated in preference to alternative proposals at Shendish Manor, Hemel Hempstead. (4812)

### **Inspector’s Conclusions**

7.20.1. Again this site has now been developed and these objections are therefore for the most part academic. However, I deal with the objections briefly below in the interests of completeness.

- 7.20.2. I accept that ensuring new housing makes an appropriate contribution to educational provision is an important consideration. However, as planning permission has been granted for the AgrEvo site and the development has now been substantially completed, there would be little purpose in amending the requirements in respect of H8 in order to secure such a contribution towards educational provision.
- 7.20.3. I have already addressed the issue of the appropriateness of defining the mix of affordable housing on specific sites in the Local Plan in paragraph 7.19.15 above. I accept that this site might have been suitable for consideration as a car-free zone bearing in mind its proximity to the town centre, the station and a regular bus route. Similarly, I agree that a more imaginative design might reasonably have been sought bearing in mind the site is located within a Conservation Area and taking into account the advice in paragraphs 13 to 20 of PPG1. However, as the Council states, these matters are now academic.
- 7.20.4. I appreciate the desire to see the tourist potential of the Canal enhanced. Nevertheless, I agree with the Council that it would not be appropriate for this to be achieved at the expense of making the most effective use of the land for housing, in view of the tight constraints imposed on the town by the Green Belt and AONB. In any case it is clear that the development of the site has achieved some improvement of the canalside environment which no doubt will improve its tourist potential. As there is no longer any intention to provide canalside facilities, other than improved pedestrian access, I consider that the reference to this should be amended to reflect the actual position, if the Proposal is retained in the Plan.
- 7.20.5. Since the site has now been developed for housing the suggestion that it should be made available for other uses is no longer relevant. Even if development had not yet taken place I do not consider there would be any reason for the Plan to have allocated land at Shendish instead. In the light of the advice in PPG3 I consider that development of brownfield sites such as this should take preference over building on greenfield sites.
- 7.20.6. In conclusion, I recommend that if the development has been completed, Proposal H8 should be deleted from the Plan and the figure for completions in Policy 17 amended accordingly. If on the other hand it has not been completed then the capacity should be revised to reflect what will actually be built on the site; the reference to the provision of canalside facilities should be amended to refer solely to the provision of improved public access; and the progress of the proposal should be updated.

**Recommendation**

- 7.20.7. **I recommend that the Plan be modified by:-**
- either**
- deleting proposal H8 and amending the figure for completions in Policy 17 accordingly;**

- or
- (a) revising the net capacity to 108;
  - (b) amending the reference to the provision of canalside facilities so that it refers solely to the improvement of pedestrian access; and
  - (c) updating the progress of the proposal.

**7.21. HOUSING PROPOSAL SITE H10  
3 SHRUBLANDS ROAD/48 CROSS OAK ROAD, BERKHAMSTED**

**Objection**

<i>Rep No</i>	<i>Name</i>
1015	Berkhamsted Citizens’ Association

**Key Issue**

- (a) Whether housing proposal H10 should be removed from the Housing Schedule in view of its completion. (1015)

**Inspector’s Conclusions**

7.21.1. In the light of the completion of this development I agree that it would be sensible for it to be deleted from the Plan. The completion figures in Policy 17 will also need to be amended accordingly in the light of my recommendation in paragraph 7.4.174.

**Recommendation**

7.21.2. I recommend that the Plan should be modified by the deletion of Housing Proposal H10 and the amendment of the completion figure in Policy 17 in accordance with the recommendation in paragraph 7.4.175.

**7.22. HOUSING PROPOSAL SITE H16  
BUNCFIELD LANE/GREEN LANE, HEMEL HEMPSTEAD**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
758	Mr & Mrs P Hobson	3026	Naomi Kershaw
769	Mr T H Turton	3177	Mr L Pilgrim
772	Mr Peter Read	3182	Mr & Mrs M R & B A Chapman
1201	Mr & Mrs J Waryszwiuk	3193	Jenifer King
1224	Mr & Mrs D J Pirrie	3947	Mrs A M Radband
1472	Mr W Cross	4060	HCC Environment Department
1535	The Crown Estate	4130	Mr A G Meredith
1632	Mrs P M Mills	4131	Mr Lionel Wittenberg
1636	Mr B C Wilson	4196	Mr & Mrs A G Playle
3006	A R & P Duncan	4662	HCC Corporate Services Department
3014	Mr & Mrs M Munro	4753	Mrs A Hill
3021	Leverstock Green Village Association	4813	The Directors of Shendish Manor

**Supports**

1474

HCC Environment Department

1701

Beryl Milnes

**Key Issues**

- (a) Is H16 an appropriate location for housing. (758, 769, 772, 1201, 1224, 1472, 1632, 1636, 3006, 3014, 3021, 3026, 3177, 3182, 3193, 3947, 4130, 4131, 4196, 4753)
- (b) Does the allocation of the site for housing conform to the guidance in the revised version of PPG3. (3021)
- (c) Is the site well located in relation to existing facilities in Leverstock Green and Hemel Hempstead. (1224, 3021)
- (d) Would the traffic generated by the development have an unacceptable impact. (758, 1201, 1224, 1472, 1632, 1636, 3006, 3014, 3021, 3177, 3182, 3193, 3947, 4130, 4196)
- (e) Whether the development of the site would have an acceptable impact on the character of the area. (758, 3021, 4753)
- (f) Should the archaeological heritage of the site preclude housing development or should the requirements be amended to require prior archaeological evaluation of the site. (758, 769, 772, 1201, 1224, 1472, 1632, 1636, 3006, 3014, 3021, 3026, 3177, 3182, 3193, 3947, 4060, 4130, 4131, 4196, 4753)
- (g) Would it be more consistent for the planning requirements to refer to “high quality housing development”. (1535)
- (h) Is the affordable housing target for the site appropriate. (1535)
- (i) Should the reference to a “substantial open area needed as a buffer to the adjoining open land” be amended. (1535)
- (j) Is the linkage with Westwick Farm (H50) unduly problematic given that the sites fall within different parts of the Schedule. (1535)
- (k) Should all housing sites contribute towards education provision. (4662)
- (l) Would the development of land at Shendish Manor be preferable. (4813)

**Inspector’s Conclusions**

**(a) *Is H16 an appropriate location for housing***

7.22.1. The objectors raise a number of matters in respect of this site. These include loss of character, effect on local services, increase in traffic and road safety considerations, access, the lack of need for affordable housing, loss of agricultural land, the effect on amenity of adjoining occupiers, loss of playspace, effect on school capacity, loss of hedgerows, drainage problems, suitability of other sites for housing and archaeological significance of the site. As other objectors have also raised a number of these matters I deal with many of them under the subsequent issues<sup>58</sup>. I therefore propose under this issue to deal only with the points that have not been mentioned by other objectors.

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<sup>58</sup> Loss of character is considered under issue (e) (see 7.22.33 to 7.22.36); effect on local services under issue (c) (see 7.22.23 to 7.22.27); traffic and road safety considerations under issue (d) (see 7.22.28 to 7.22.32); impact of the access under issue (e) (see 7.22.34); need for affordable housing under issue (h) (see 7.22.42); effect on school capacity under issue (k) (see 7.22.46); loss of hedgerows under issue (e) (see 7.22.33 to 7.22.36); archaeological significance under issue (f) (see 7.22.37).

These are the suitability of alternative sites for housing; the loss of agricultural land; the effect on the amenity of residents in St Margaret’s Way; the loss of informal playspace and drainage problems.

*Availability of alternative housing sites*

- 7.22.2. It is suggested by some of the objectors, notably the Leverstock Green Village Association (LGVA), that there is sufficient land within the existing urban area to accommodate the housing that is proposed on the objection site. In particular, it is considered that this could be achieved by using employment land that is no longer required for that purpose.
- 7.22.3. While I understand the objectors’ reasoning, I am not satisfied that there is enough land available to accommodate the total housing requirement for the period up until 2011 within the urban area, for the reasons I set out more fully in section 7.4 of my report. The Plan already allocates a significant amount of ex employment land to be redeveloped for housing. It also provides for almost 48% of the total housing requirement to be met from unidentified sites within the urban area. This includes an additional provision from a number of General Employment Areas that are identified as having potential for housing under Policy 33. It is clear, therefore, that the Council has already made considerable efforts to encourage the redevelopment of existing employment land for housing.
- 7.22.4. I acknowledge that the Property Register for February 2000 showed some 47,000m<sup>2</sup> of commercial floorspace being vacant or available, including a number of premises on the Maylands Industrial Estate. However, this figure is merely a snapshot of the situation at a particular point in time. It is not necessarily indicative of the level of long-term vacancy. Indeed, I note that the May 2000 figures showed a much lower level of vacant property. There would appear, therefore, to be a fairly high degree of turnover in respect of commercial premises within the Borough. In the circumstances, I do not consider that the February 2000 figure is, in itself, sufficient reason to conclude that a significant amount of additional employment land would be available for redevelopment during the Plan period.
- 7.22.5. Even if some of this land was available for redevelopment, I consider that much of it may be unsuitable for housing. Vacant sites within the Maylands Industrial Estate, for instance, would, in my opinion, not only provide a relatively poor quality of residential environment but would also have an inferior level of accessibility to local facilities and services. I am not persuaded, therefore, that the housing requirement could be met by seeking to use more employment land for this purpose.
- 7.22.6. In any case, I consider that reducing the amount of employment land still further could have a detrimental impact on the economic sustainability of the Borough, especially in the longer term. It would not only reduce the range of premises available for new firms or existing firms which wish to relocate but it could also seriously jeopardise the long term integrity of the Green Belt. In the longer term an excessive reduction of employment land would be likely to place considerable pressure on the Council to release additional Green Belt to accommodate any subsequent upturn in economic activity. In my view, the retention of adequate employment land is, therefore, likely to be fundamental to the continuing economic prosperity of the Borough and the maintenance of the Green Belt boundaries around Hemel Hempstead.

- 7.22.7. As for the suggestion that the housing need could be addressed by increasing densities and reducing parking standards on identified sites within the urban area, I am not satisfied that this would be sufficient to address the substantial level of housing need that exists. Indeed, in the light of my conclusions in paragraphs 7.4.99 to 7.4.147 of my report, I consider that even with increased densities there is likely to be a need to identify more housing land rather than less. In the circumstances, I do not consider that increasing site densities on other sites would warrant the deletion of Housing Proposal H16. However, I consider that the advice in PPG3 would justify the net capacity of the objection site being increased to a minimum of 80 dwellings and I recommend that the Plan be modified accordingly.
- 7.22.8. I note that the site was identified for housing within the adopted Plan (H60), albeit that it was reserved for implementation after the Plan period. It clearly falls within the urban area, as defined by the adopted Plan, and would appear to have always been excluded from the Green Belt. In these regards it is different to many of the other greenfield sites that the Plan proposes for housing. The Council’s sustainability assessment of greenfield sites (H53A) shows it as having one of the highest net scores (16) of the housing sites proposed in the Plan. Taking these factors together with the policies of the adopted Structure Plan Review, which allow for some peripheral development at Hemel Hempstead, I find that the allocation of land at Buncefield Lane/Green Lane as a Housing Proposal Site is justified in order to meet the Borough’s housing requirement.

*The loss of agricultural land*

- 7.22.9. Although objections 3021 and 4196 raise the issue of agricultural land quality and the implications of Policy 40 of the SPR, there is no evidence that the objection site is of particularly high quality in agricultural terms. Nor is there any evidence that loss of this site would jeopardise the viability of any existing farming unit. Moreover, while national policy used to place considerable weight on the protection of the best and most versatile agricultural land recent changes to PPG7 have effectively reduced the weight given to this consideration. These changes post-date the adoption of Policy 40 of the SPR. In my view, therefore, less weight should be attached to the latter.
- 7.22.10. I appreciate that the amended version of paragraph 2.17 of PPG7 still seeks to safeguard the best and most versatile agricultural land by steering most development onto previously developed land within urban areas. However, it accepts that development of some agricultural land may be unavoidable. While it indicates that in these circumstances local planning authorities should seek to use poorer quality land in preference to that of higher quality it acknowledges that sustainability considerations may suggest otherwise. In this case, I consider the site’s proximity to the local school and local centre, its relationship to the existing built-up area and its physical separation from agricultural land to the east and south mean that its sustainability as a housing site far outweigh any agricultural value it might have.

*The effect on the amenity of adjoining residents*

- 7.22.11. There is no doubt that the existing housing, which fronts onto the open space at St Margaret’s Way, will have a changed outlook if the land at Buncefield Lane/Green Lane is developed for housing. However, the requirements seek the retention of a substantial area of open space as part of the proposal. I consider, therefore, that there

is considerable scope to design the detailed layout of the development in such a way that it would maintain a reasonable gap between the existing housing and any new dwellings. In the circumstances, I find no reason to believe that the allocation of this site for housing would cause a substantial loss of residential amenity for occupiers of St.Margaret’s Way in respect of loss of light and/or privacy.

### ***Loss of playspace***

- 7.22.12. Although development of the land would undoubtedly result in some loss of informal open space, the requirements should be sufficient to ensure that a substantial part of the site remains open. In addition, the large area of open land to the north and west of the site would be unaffected. Land to the south of Green Lane would also be opened up to public access as part of Proposal H50. In the circumstances, I consider that the area would retain a sufficient amount of informal play space to meet the needs of local children, including any children living in the new housing on sites H16 and H50.

### ***Flooding***

- 7.22.13. There is clear evidence that the objection site and the adjoining section of Green Lane are prone at times to flooding. Indeed, the Council concedes that it falls within an area identified in the 1998 report ‘Identification of Flood Risk in Dacorum, Hertfordshire and Flood Hazard Management’ as an ‘Additional Area at Risk from Flooding’ (see CD131). However, I am concerned that the Council in its response to the objectors seems content to leave this matter to the development stage. While it would appear from CD131 that Thames Water are considering proposals to increase the capacity of the balancing pond to the north west of the site it is unclear as to the status or timing of this improvement. Nor is it obvious that the improvement would fully address both the current problems and any increased run off that would occur due to development of the site. It is clear from the report on flood risk that in the past inadequate attention has been paid to problems of flooding due to increased run-off from new development. The report states that there is a distinct danger that Dacorum will not receive advice from any other organisation on the effect on flood risk downstream of proposed development in some areas.
- 7.22.14. In these circumstances, I consider that the Council needs to take particular care over the issue of flooding in relation to new development within the Borough. While I have no reason to disbelieve the Council’s assertion that the problems in this case can be effectively addressed and are not sufficient to prevent development of the land, I consider it is important that the issue of flooding should be highlighted in the Plan. In my view leaving the matter to the planning application stage would militate against this issue being given proper consideration at the earliest stages of the development. It may also be necessary to seek a contribution from the developers towards the enlargement of the capacity of the adjacent balancing pond and associated drainage works in order to ensure that the development can be brought forward at the appropriate stage. In my view, the Plan should also address this possibility. Consequently, I recommend that, in response to these objections, the requirements for Housing Proposal Site H16 should be modified to highlight the need for the drainage problem to be addressed as part of the development and to draw attention to the possible need for a contribution towards associated drainage works.

**(b) Conformity with PPG3**

7.22.15. The LGVA question whether the proposal to allocate this greenfield site for development conforms to the advice in PPG3. I have already dealt with the question of using previously developed land, particularly employment land, and the issues of increased housing densities and reduced parking standards, which are raised by PPG3. While I am not satisfied that the Plan adequately addresses these issues at present, I do not consider this would warrant deleting site H16 for the reasons I have already indicated in paragraphs 7.22.2 to 7.22.8. I have therefore, concentrated my attention at this point on the other issues referred to by the objector, particularly the assessment of urban capacity, taking into account the opinion of C Lockhart-Mummery QC, and the requirement for a sequential approach to the release of greenfield land.

***Urban capacity***

7.22.16. There is no doubt in my mind that the Council did consider the capacity of Hemel Hempstead to accommodate additional development in drafting the Plan. Indeed as part of the Structure Plan Review process an assessment was undertaken of regeneration potential within the County as a whole. However, this study clearly had some shortcomings as the EIP Panel identified (CD30) and the Borough Council’s own Housing Technical Report (CD57) acknowledges this. The Borough Council did undertake some detailed capacity studies of their own but these only covered two of the New Town neighbourhoods.

7.22.17. Paragraphs 24 to 27 of PPG3 make clear that the Government now expects all local authorities to carry out comprehensive urban capacity studies for their area. These should consider the options in relation to density of development, levels of parking provision, different residential layouts and the mix of housing types. It is clear that the Borough Council has not undertaken such a study as part of the process of developing the Plan’s housing strategy. The question, therefore, is whether the absence of such a study effectively invalidates the Plan’s housing strategy.

7.22.18. In considering this question I have noted the opinion of C Lockhart-Mummery, which was given to North Hertfordshire District Council in respect of their Local Plan. However in that case the Plan was at a much earlier stage in the progress of adoption. In Dacorum’s case PPG3 was only issued just prior to the commencement of the Inquiry (i.e. long after both the initial deposit period and the consultation period for the pre-inquiry changes had ended). In my view it was never the Government’s intention for the Local Plan process to come to a complete halt in response to PPG3. Clearly what is important is that the advice in PPG3 is taken on board at the earliest appropriate opportunity.

7.22.19. In this case I note that a detailed urban capacity for the whole county, including Dacorum, is currently ongoing. The results of this study are expected to be available by mid 2002. It should, therefore, be possible for the Borough Council to take on board the findings of this study in considering what modifications to make to the Plan in the light of my report. For the reasons I have already given earlier in this chapter I doubt that the study will reveal that substantial additional land within the existing urban area would be available for development during the Plan period. However, if it should prove otherwise the Council will clearly need to take this into consideration in determining whether or not it is appropriate to proceed with the development of the

greenfield sites that are allocated in the Plan, including H16. In the meantime, however, I am not persuaded that the absence of a capacity study is sufficient reason to conclude that the objection site will not be needed to meet the housing requirement. I find no justification therefore for its deletion at this stage.

***The sequential approach to new housing allocation***

- 7.22.20. Paragraph 30 of PPG3 makes clear that in identifying sites that local planning authorities should follow a search sequence starting with the reuse of previously developed land and then urban extensions. In my view the Plan largely follows this approach. However, paragraph 32 goes on to indicate that in determining the order in which identified sites should be developed it states that the presumption will be that previously developed sites should be developed before greenfield sites.
- 7.22.21. Although all the identified sites on previously developed land are included within Part I of the Schedule of Housing Proposal Sites, a number of greenfield sites are also identified for release in Part I. In my view such an approach would normally only be justified if there were insufficient previously developed land to meet the 5-year housing requirement in accordance with the advice in paragraph 34 of PPG3. It is clear that this is not the case in Dacorum (*see paragraph 7.4.49 of my report*). Indeed the Council concedes that the number of dwellings that the Plan expects to come forward on Part I sites significantly exceeds the 5-year housing requirement.
- 7.22.22. Having said this it is apparent from the Council’s figures that the inclusion of some greenfield housing in Part I will be necessary to meet the 5-year housing requirement. In my view, this constitutes sufficient justification for bringing forward some of the larger greenfield sites (e.g. H27 and TWA7), particularly in view of the need to provide a significant level of new infrastructure in relation to these sites. However, I can find no valid reason for the smaller greenfield sites that are included in Part I to be released at an early stage in the Plan, bearing in mind the advice in paragraphs 32 to 34 of PPG3. I consider, therefore, that the development of these sites, including land at Buncefield Lane/Green Lane, should be held back until after 2006. My view is reinforced in the case of the objection site by the fact that such a delay would have the added advantage of ensuring that the development of H16, if it should prove necessary, could be more closely co-ordinated with the release of the land at Westwick Farm. Consequently I recommend that, in the light of objection 3021, Housing Proposal Site H16 should be moved from Part I to Part II of the Schedule for release after 2006, subject to the provisions of Policy 18.

**(c) *Relationship to existing facilities***

- 7.22.23. A number of objectors, including the LGVA, question whether the site is sustainable in the light of the capacity and accessibility of local facilities. Turning to the latter matter first, it appears that the site would be within 400 metres of the nearest bus stop, which serves the no.10 service to Hemel Hempstead station. However, this service only runs on an hourly basis and there is no service in the evenings or on Sundays. It would be more than 500 metres from the nearest point of the site and almost 800 metres from the furthest point to the bus stops on Leverstock Green Road, which serve the more frequent Stevenage to Hemel Hempstead services. It would also be well over a kilometre from the nearest station. I accept therefore that the site’s accessibility by public transport is not ideal.

- 7.22.24. However, the site would be within 400 metres of the nearest primary school and between 500 and 800 metres of the local centre at Leverstock Green. It also lies in close proximity to existing employment areas. In my view these facilities are sufficiently close to encourage a significant level of walking and cycling. I consider, therefore, that on balance the site has a reasonable relationship with local facilities.
- 7.22.25. In reaching this conclusion I have taken into account the LGVA’s comments about the distance to the nearest food superstore at Jarman Fields. However, I agree with the Council that most people doing their main weekly shop at such a facility are likely to travel by car. The distance to a food superstore would be much less than for a number of other peripheral greenfield sites proposed in the Plan, notably West Hemel Hempstead, and drivers would not have to cross the town centre to reach it. In the circumstances, I am not persuaded that the relationship of the objection site to the nearest food superstore at Jarman Field is unacceptable.
- 7.22.26. As for the capacity of local services although local residents argue that the shops and other services like the library would be over-stretched there is little evidence to support this. Judging from what I saw of the Local Centre it would appear to have sufficient capacity to accommodate the limited amount of additional development proposed on sites H16 and H50 without the existing facilities becoming unduly congested. I deal with the question of the capacity of the local school in paragraphs 7.22.45-47 below.
- 7.22.27. In considering the capacity of local services to accommodate the additional development I have noted that there is no longer a doctor’s surgery in Leverstock Green. Local people, therefore, now have to travel some distance for health facilities. However, while this situation is regrettable it is not unique within Hemel Hempstead. While a site with better access to local health facilities might be preferable, I do not consider that, by itself, it is sufficient reason to rule out the allocation of land at Buncefield Lane/Green Lane for housing. Indeed the development of additional housing proposed at Leverstock Green might be sufficient to warrant the surgery being re-opened. I would strongly urge the Council to explore this possibility with the relevant landowner and the appropriate primary health care trust and would recommend that the requirements for H16 are amended to highlight the need for this issue to be investigated further.

**(d) Traffic**

- 7.22.28. In respect of traffic and access issues, it is clear that Leverstock Green Road does experience a degree of congestion at times. I can, therefore, understand local residents concerns. However, there is no indication that traffic levels on Leverstock Green Road are significantly higher than other similar roads in Hemel Hempstead. Moreover the problem appears to be largely restricted to the morning and evening peak. There is no evidence that Leverstock Green Road has reached its overall physical or environmental capacity; nor would it appear that accident levels for the road are above average, despite the sub-standard sight lines at the Green Lane junction.
- 7.22.29. In these circumstances, while I accept that the development of housing on the land at Buncefield Lane/Green Lane would be likely to add to the number of vehicles using Leverstock Green Road, I am not convinced that it would result in the existing levels of congestion being seriously exacerbated. Even if one adds the additional traffic that is likely to arise from the Westwick Farm site (H50), I am not satisfied that the overall

increase would be of such proportions as to merit serious concern about either highway capacity or road safety. I note the concerns raised about access for emergency vehicles but there is no evidence from the emergency services that their vehicles currently experience any difficulties in the area.

- 7.22.30. In contrast, I share some of the concerns raised about the increase in traffic levels on Green Lane and Buncefield Lane. Both of these roads are very narrow for much of their length. Moreover, neither Buncefield Lane nor the section of Green Lane to the east of the school have footpaths. In the circumstances, increases of traffic along these roads could have an impact on road safety, particularly as both parents and children use these roads to access the local primary school. While closure of the Buncefield Lane may help to reduce the amount of through traffic, I doubt the decrease would be substantial, as it appears that drivers predominantly use Green Lane to avoid the congestion at the Maylands Roundabout.
- 7.22.31. It may be possible to minimise highway problems by constructing a link road to Pancake Lane in conjunction with H50 as the Council suggests. However, this would have very serious implications for both the character of the intervening open space and for its usability. I am not satisfied, therefore, that this would be an appropriate solution. However, it seems to me that it should be possible to address the problems of increased “rat-running” and the consequential implications for highway safety by a combination of appropriate highway improvements and the introduction of suitable additional traffic calming measures on Green Lane. I am not satisfied, therefore, that development of the H16 site would necessarily have an unacceptable impact on traffic levels or lead to a serious deterioration in highway safety, subject to the appropriate highway works being undertaken.
- 7.22.32. In reaching this conclusion I have noted the concern raised in objection 758 regarding the increased distance it would be necessary to drive to use the leisure facilities at the Holiday Inn Hotel if Buncefield Lane is closed to traffic. However, there is no evidence that local residents make substantial use of these facilities. While the closure of Buncefield Lane may cause some inconvenience to those local residents who do use them, I consider that this is likely to be outweighed by the advantages of closing the road. I have also taken into account the suggestion that the housing site should be accessed from Buncefield Lane. However, not only would this be likely to have a significant visual impact owing to the difference in levels, but I consider it could also create difficulties for future occupiers, as vehicles would be unable to gain direct access to the eastbound carriageway of the A4146 from Buncefield Lane.

**(e) *Visual impact***

- 7.22.33. As the land rises up from Green Lane towards the A4146 I accept that its development will have some impact on the view of the site from Green Lane and Westwick Row. However, the development would be seen within the context of the existing housing at Datchworth Turn and St Margaret’s Way to the south west and the substantial block of offices at Breakspear Park to the north east. As such I do not consider that it would result in a significant visual intrusion into the wider countryside or into the adjoining Green Belt to the east. Indeed development of the objection site may help to better integrate the development at Breakspear Park into the urban fabric. Although the development would also be visible from Buncefield Lane, providing the existing

hedgerow is retained, as the Council apparently intend, the rural character of the lane should be largely retained especially during the summer months.

- 7.22.34. I am far more concerned about the impact on the character of Green Lane. Not only is this lane seemingly of historic interest, as it appears to have formed the original parish boundary, but it is particularly attractive at its eastern end where the existing trees and hedgerows arch over the lane to form virtually a green tunnel. While the Council state that it is their intention to seek the retention of all existing hedgerows they acknowledge that the lane would need to be widened from the school as far as the access to the site. It will no doubt also be necessary to create appropriate sight lines to the east of the access. It seems highly probable therefore that a substantial length of the existing hedgerow along the section of Green Lane that lies to the south west of the junction with Buncefield Lane would have to be removed in order to provide safe access to the objection site. While it may in time be possible to restore some of the lane’s attractive appearance through new planting, I have no doubt, therefore, that development of the objection site would result in a significant erosion of its rural character, at least in the short term.
- 7.22.35. I note the LGVA’s concern about the possibility of the length of Green Lane to the north east of its junction with Buncefield Lane also having to be widened in view of increased traffic levels and the poor sight lines at its junction with the A4146. However, except for some possible improvement to the existing sight lines at the A4146 junction, I am not convinced that widening of this section of Green Lane would be an essential prerequisite for development of the objection site for housing. Indeed, I consider that there is a reasonable prospect that the rural character of this section of the lane could be retained for the foreseeable future.
- 7.22.36. In conclusion, I consider that the development of the objection site will have a limited impact on the wider countryside and the Green Belt to the east. There will be some loss of rural character due to the creation of the access to the objection site and the necessary widening of the adjoining stretch of Green Lane. It should, however, be possible to retain the rural character of Buncefield Lane and the stretch of Green Lane to the north east. On balance, therefore, while the consequential loss of rural character is extremely regrettable I consider that in this instance the harm is outweighed by the need to find sustainable greenfield sites on the edge of Hemel Hempstead in order to meet the Borough’s housing requirement.

*(f) Archaeological significance*

- 7.22.37. Although there is evidence that the area around Westwick Row may have formed part of an iron age settlement it is unclear as to whether or not the land at Buncefield Lane/Green Lane formed part of this settlement. While it appears that a field visit in 1998 revealed a slightly higher prehistoric flint presence than most of the other fields in the area, this land is not included in the extension proposed to the Area of Archaeological Significance on Westwick Row under FC191. I am not satisfied, therefore, that the archaeological interest of the area is of such significance as to warrant the land being kept free from development.
- 7.22.38. However, the County archaeologist (4060) suggests that it would be appropriate for the developer to be required to undertake both an archaeological evaluation of the site and any necessary mitigation measures. The Borough Council accepts this and proposes to

amend the requirements accordingly under PIC38. In the light of the archaeological evidence, particularly the high concentration of prehistoric flints, I support this change and I recommend that the Plan should be modified accordingly.

**(g) “High quality housing development”**

7.22.39. I note the objector’s suggestion that there is a lack of consistency in the Schedule of Housing Proposal Sites in terms of the description of the type of development required. However, I am not satisfied that this inconsistency is of such significance as to warrant modifying the Plan. Neither in my view is the term “high quality housing and landscaping” unclear, bearing in mind that it has to be read in conjunction with the rest of the Plan, particularly Policy 9. The objector’s suggested alternative is certainly no clearer and the omission of any reference to landscaping would effectively downgrade the importance of an element of the development that is likely to be of considerable significance in this case. I, therefore, recommend that no modification should be made to the Plan in answer to this element of objection 1535.

**(h) Affordable housing**

7.22.40. Although the objector contends that it is inappropriate for reference to be made to a specific proportion of the dwellings being provided as affordable housing, Circular 6/98 makes clear that in the Government’s view it is appropriate for Local Plans to set indicative targets for specific suitable sites. I find no overall reason why a figure of 40% would be unreasonable in the light of my conclusions in paragraphs 7.8.158 to 7.8.164 of my report. There is no evidence that this site would be unsuitable for affordable housing or that a target of 40% would render the development of the site unviable. I see no need therefore to either delete or reduce the target figure of 40%, bearing in mind the final figure would have to be determined in the light of the advice in Policy 21.

7.22.41. However, while the Council argues that the 40% figure is indicative, in line with the advice in Circular 6/98, it appears to me to be expressed as an absolute requirement. In the circumstances, I consider that it would be sensible to insert the word “around” before the figure to make clear that it is merely an indicative figure rather than a hard and fast requirement and I recommend that the Plan is modified accordingly.

7.22.42. In considering this issue, I have taken into account the view of some local residents that there is no need for affordable housing as there is no evidence of homelessness in the Borough. However, it is clear from the 1998 Housing Needs Survey (CD82) that a substantial number of people live in unsuitable or overcrowded housing conditions and that many new households would also be unable to afford accommodation. I consider, therefore, that the provision of an element of affordable housing is essential to meet housing needs. I note the suggestion that the affordable housing could damage the character of the area. However, there is no reason, in my view, why affordable housing should be of poorer quality design or out of keeping with the area. Moreover, PPG3 makes clear the Government’s commitment to the creation of mixed and balanced communities and making better use of land. In my view, these aims are of sufficient importance to outweigh the minimal change in the character of the area that is likely to arise from the provision of affordable housing on the objection site.

**(i)      *The size of the open buffer***

7.22.43. The objector argues that the reference to a “substantial” open area should be amended to an ‘effective’ open area to suggest that the area is densely planted rather than it is substantial in land take. However, in my view the alternative wording would not only be unclear but it would also fail to address the issue. As a significant part of the land is already used as informal open space I consider that the open area would need to be substantial in scale not only to provide an effective buffer but also to ensure that the open area continues to provide a valuable recreational resource for local people. In the circumstances, I do not consider the proposed amendment is justified. I, therefore, recommend that no modification should be made to the Plan in response to this point.

**(j)      *The link with Westwick Farm (H50)***

7.22.44. It is difficult to see how the development of H16 and H50 could be effectively co-ordinated when they fall within different development phases. Indeed in the light of the advice in PPG3 and the provisions of Policy 18, particularly as modified, it is possible that development of H50 may not actually take place during the Plan period. I consider that my recommendation to move H16 into Part II of the Schedule would effectively address this problem. I see no justification for moving H50 forward to Phase I, as suggested by the objector. Not only am I satisfied that such action is not required in order to meet housing needs before 2006 but I also consider it would be directly contrary to the aims of PPG3.

**(k)      *Educational Provision***

7.22.45. Many objectors argue that Leverstock Green JMI school is already oversubscribed. Others point out that the only other local primary school, Hobbs Hill Wood, is also at capacity. It is considered therefore that additional housing will increase the strain on local educational provision.

7.22.46. It is clear from all I heard at the Inquiry that the closure and amalgamation of local schools in the recent past has meant that the existing educational infrastructure in some parts of the Borough has limited capacity to accommodate additional pupils at present. However, it would appear from the evidence of the Education Authority that they believe that Leverstock Green JMI School could be expanded to meet the demands arising from the development of the housing sites at Buncefield Lane/Green Lane and Westwick Farm. Judging from the size of the school site it does appear that there is scope for its capacity to be increased through extension to the existing buildings and associated facilities. I am not satisfied, therefore that the fact that the school may currently be oversubscribed would be sufficient to justify rejecting H16 as a suitable site for housing.

7.22.47. The County Council as Education Authority, however, objects to the fact that the requirements for H16 omit to mention the need for the developer to make a contribution to educational provision. The Borough Council states that this omission was an oversight. They propose to rectify this through FC25, which indicates that a contribution to the provision of educational facilities will be required. The objector accepts that this would address its concern.

7.22.48. While I support the principle of this change, I have some concerns about its detailed wording. Not only does it fail, in my view, to make sense grammatically but it is also inconsistent with the wording of similar requirements in respect of other housing proposals. In my opinion it would be better if the requirements were consistent. I consider therefore that where it is clear that additional provision is needed the Plan should be amended to state that “a contribution towards the provision of additional educational facilities will be required”. I recommend that the requirements for Proposal H16 are amended accordingly and that the Council re-examines the other housing proposals to ensure the requirements for educational provision are consistent.

**(l) *Would the land at Shendish Manor be preferable***

7.22.49. Since, unlike H16, the land at Shendish falls within the Green Belt I consider that its development would have a far greater impact on the purposes of the Green Belt. It would in my view also be far more visually intrusive, bearing in mind its location on the slopes of the Gade Valley. I am not satisfied, therefore, that it would constitute a more sustainable location for housing. I appreciate that the objection site was identified as a housing site in the adopted Plan but it is clear that it was not intended to be developed until after the end of the Plan period. I am not satisfied that there is any reason to believe it would not be available for development during the current Plan period bearing in mind that it is partly owned by the Council and partly by the Crown Estate. I, therefore, recommend that no modification should be made to the Plan in response to objection

**Recommendation**

7.22.50. **The Plan be modified as follows:-**

- (a) move H16 from Part I to Part II of the Schedule of Housing Proposal Sites;**
- (b) increase the net capacity of H16 from 70 to 80;**
- (c) amend the requirements of H16 as set out below:-**
  - (i) insert an additional requirement along the following lines:-  
“The capacity of the development to lead to increased run-off must be investigated and appropriate drainage works undertaken to avoid potential flooding of adjoining land or highways. A contribution may be required towards increasing the capacity of the adjoining balancing pond”;**
  - (ii) add a further requirement in respect of archaeological evaluation of the site in accordance with PIC38;**
  - (iii) include an extra requirement in relation to the need for additional educational provision as proposed in FC25, subject to the wording being amended to read: - “A contribution towards the provision of additional educational facilities will be required.”;**

**(iv) incorporate another requirement covering the need to investigate the possibility of providing local health facilities;**

**(d) the requirements for other housing proposal sites be reviewed to ensure consistency in respect of the need for a contribution towards additional educational facilities.**

**7.22.51. The Council explores the possibility of local health care facilities being provided in Leverstock Green, in conjunction with the developer of sites H16 and H50 and the local primary health care trust.**

**7.23. HOUSING PROPOSAL SITE H17  
REAR OF 29-41 CEMMAES COURT ROAD, HEMEL HEMPSTEAD**

**Objection**

<i>Rep No</i>	<i>Name</i>
4814	The Directors of Shendish Manor Estate

**Key Issue**

(a) Whether it is appropriate to include the site in the Schedule of Housing Proposal Sites. (4814)

**Inspector’s Conclusion**

7.23.1. The objector points out that this site was included in the adopted Plan and despite the fact that planning permission was given for its development as long ago as 1990, nothing has taken place on the site and the permission has now lapsed. It is therefore contended that there is little realistic prospect of the land being available for development in the current Plan period.

7.23.2. This site would appear to be divided among a large number of owners. Access could not be achieved without demolition of existing residential property, which is currently in active use. There is no evidence that the current owners have any intention of bringing the site forward for development. In the light of these facts, I am not satisfied that there is a reasonable prospect that the site would come forward during the Plan period to justify it being included within the Schedule of Housing Proposal Sites. My view is reinforced by the length of time that has passed since planning permission for residential development on the site lapsed.

7.23.3. In reaching this conclusion I have borne in mind the encouragement that PPG3 gives to making the best use of urban land and for the use of compulsory purchase powers to achieve that aim. However, as the land remains in active residential use it seems unlikely that such an approach would be supported by the Secretary of State, even if the Council would be prepared to take such action, which I doubt. Clearly the deletion of the site from the Schedule would not prevent it being developed as a windfall site should the problems of land assembly be overcome. In conclusion, I recommend that Proposal H17 should be deleted in response to objection 4814.

**Recommendation**

7.23.4. The Plan be modified by the deletion of Proposal H17 from the Schedule of Housing Proposal sites and the Proposals Map.

**7.24. HOUSING PROPOSAL SITE H23  
LAND AT LEVERSTOCK GREEN ROAD, HEMEL HEMPSTEAD**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
759	Mr & Mrs P Hobson	1706	Catherine Hall
775	Mr C B Attwood	1707	Mrs A Hildersley
1196	Mr John Baker	1708	N B Ratcliff
1616	Mr T Wooding	1709	Mr & Mrs Schofield
1620	Mrs A Wooding	1710	Mrs G Cox
1624	Mrs A Bowen	3022	Leverstock Green Village Association
1626	R Starbrook	3183	Mr & Mrs M R & B A Chapman
1629	Mrs J E Attwood	3196	The Executors of F W Buglass deceased
1699	Beryl Milnes	3948	Mrs A M Radband
1703	Mr P Dawood	4132	Mr Lionel Wittenberg
1704	Mr D W Reynolds	4197	Mr & Mrs A G Playle
1705	Mr R Hall		

**Key Issues**

- (a) Should Housing Proposal Site H23 be deleted from the Schedule of Housing Proposal Sites. (759, 775, 1196, 1616, 1620, 1624, 1626, 1629, 1699, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 3022, 3183, 3196, 3948, 4132, 4197)
- (b) Would it be appropriate for the site to be extended to include the garden at Green End. (3196)

**Inspector’s Conclusions**

**(a) The deletion of H23**

7.24.1. The objectors raise a number of matters, including preferential development of previously developed land, access to the site, capacity of the local school and other facilities, character of the area, impact on trees, loss of open land and existing housing and density of development. The Council points out that the proposal has been carried forward from the adopted Plan and that planning permission was granted in 1990 for 9 dwellings on the site. However, the Council concedes that this permission has since lapsed and acknowledges that objection 1704 indicates that part of the land (Blue Hayes) would no longer be available for development. It accepts that without this land, which forms a substantial part of the middle of the site, the development of the remainder is unlikely to be a realistic proposition. It, therefore, proposes under PIC39 that the site should be deleted.

] 7.24.2. As the site consists of the curtilage of 4 residential properties it would fall within the definition of previously developed land as set out in Annex C to PPG3. I consider, therefore, the redevelopment of this land for residential purposes would accord with the Government’s objectives of making better use of underused urban land. The development of 9 houses in this location should not have a serious impact on the

character of Leverstock Green bearing in mind that adjoining development at Bartel Close is at a much higher density. The loss of open land would only have a limited impact on the wider area, as the open part of the site is not prominent from the adjoining public highways. Provided care was taken with the detailed design I see no reason why the proposal should lead to an unacceptable loss of important trees or an overall reduction in visual amenity.

- 7.24.3. With regards to the impact on existing facilities and services, including the local school, I find no reason to believe that the development of 9 additional houses would put an intolerable additional strain on them. Neither, in my view, would the additional vehicles generated by a development of this scale be likely to seriously exacerbate traffic congestion on surrounding roads. I find no reason in principle, therefore, to reject the site as being unsuitable for housing.
- 7.24.4. However, I note that without the land at Blue Hayes it would be more difficult to achieve a satisfactory access and layout. While it might be possible to overcome this by including additional land at Green End, there could still be difficulty in achieving a safe access in this location owing to the proximity of the junction to Pancake Lane. Alternatively if the access was moved further east along Leverstock Green Road there could be problems achieving adequate site lines. There would also appear to be difficulties with gaining an acceptable access from either Bartel Close or Bedmond Road. In the light of these uncertainties I accept that there must be some doubt as to whether the site would be genuinely available for development during the Plan period. In the circumstances, I consider that it would be prudent for the proposal to be deleted as the Council proposes. I, therefore, endorse PIC39 and recommend that the Plan be modified accordingly. This would not prevent the land coming forward for development as a windfall site should it subsequently be established that the difficulties of site assembly and the provision of safe access could be resolved.

**(b) *Extension of the site to include land at Green End***

- 7.24.5. Objection 3196 seeks the reinstatement of H23 as a housing proposal and the extension of the area to include land at Green End. In view of the fact that land at Blue Hayes is unlikely to be available for development during the Plan period I do not consider it would be appropriate for H23 to be retained in its present form. I have, therefore, considered whether as an alternative the shape of the site should be amended to exclude Blue Hayes and include the land at Green End.
- 7.24.6. While in principle redevelopment of this land would appear to accord with the Government’s objectives of making better use of urban land, there appear to be unresolved difficulties with the provision of safe access to the site as well as uncertainties regarding land assembly. In the circumstances, I am satisfied that the Council’s decision to delete this land as a Housing Proposal in the Plan is sensible. This would not prevent the land at Green End being considered for housing either on its own or in conjunction with adjoining land should a scheme come forward during the Plan period. I, therefore, recommend that no modification should be made to the Plan in response to objection 3196.

**Recommendation**

7.24.7. The Plan be modified in accordance with PIC39.

**7.25. HOUSING PROPOSAL SITE H24  
ST GEORGE’S CHURCH, LONG CHAUDEN/SCHOOL ROW, HEMEL HEMPSTEAD**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
4095	Lucas Aerospace	4663	HCC Corporate Services Department

**Key Issues**

- (a) Is the site size correct. (4095)
- (b) Should all housing sites contribute towards education provision. (4663)

**Inspector’s Conclusions**

**(a) Site size**

7.25.1. The objector questions whether the area of the site stated in the Schedule is correct. The Council concedes that there is an error and proposes under FC57 that the figure for the area of the site should be amended to 0.3 hectares. Since this would make the Plan more accurate and addresses the objection I endorse this change. I recommend, therefore, that the Plan be modified in accordance with FC57.

**(b) Educational provision**

7.25.2. The County Council argues that the developer of the site should be required to make provision for additional educational facilities in line with other housing proposal sites. Although the Borough Council expects the site to be developed for high density flats they accept that the final form of the development could possibly include some family accommodation. They therefore propose under FC26 to amend the requirements to draw attention to the fact that a contribution may be required towards educational provision depending on the type of residential units proposed. The County Council accepts that this change would address its concerns.

7.25.3. I consider that it would be quite reasonable for the Council to seek a contribution towards educational provision where it is clear that the existing education facilities in the area would be unable to accommodate the additional pupils arising from the development. Similarly, where the picture is less clear but it seems likely that such provision may be required by the time the development comes forward I think it would be sensible for the Plan to highlight the possibility that the Council may require a contribution to be made.

7.25.4. In this case it would appear that local educational provision is under strain and that it would therefore have difficulty in accommodating any additional pupils arising from

the development of the land at St. George’s Church. While it seems likely that the development would not include any family accommodation, I accept that there can be no certainty at this stage in respect of the ultimate form the development may take. In the circumstances, I find the proposed change to the requirements to be entirely reasonable. I, therefore, support FC57 and recommend that the Plan should be modified accordingly.

**Recommendation**

7.25.5. **The Plan should be modified in accordance with FC26 and FC57.**

**7.26. HOUSING PROPOSAL SITE H25  
FORMER BELSWAINS JUNIOR SCHOOL, OLIVER ROAD, HEMEL HEMPSTEAD**

**Objection**

<i>Rep No</i>	<i>Name</i>
1288	CPRE - The Hertfordshire Society

**Key Issue**

(a) Whether the density of Housing Proposal Site H25 should be increased. (1288)

**Inspector’s Conclusion**

7.26.1. Since this site has already been developed there is no realistic prospect that the Council could require the density of the development to be increased. In any case as the current density of the scheme is 37.9 dwellings per hectare it clearly falls within the density range stipulated in PPG3. I, therefore, recommend that no modification should be made to the Plan in direct response to objection 1288. However, in the light of the completion of development I consider that the Plan would be brought more up to date if the Proposal were deleted and the figure for completions in Policy 17 were modified accordingly. I, therefore recommend that Proposal Site H25 should be deleted from the Housing Schedule.

**Recommendation**

7.26.2. **The Plan should be modified by deleting Site H25 from the Schedule of Housing Proposal Sites and the Proposals Map and by amending the figure for completions in Policy 17 accordingly.**

## 7.27. HOUSING PROPOSAL SITE H26 LAND TO THE REAR OF NINIAN ROAD AND ARGYLL ROAD, HEMEL HEMPSTEAD

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1054	Mr & Mrs K J Hawkins	1112	Miss & Mr K & J Bolton
1075	Mr & Mrs P Reed	1114	Mr & Mrs Jones
1076	Mrs E G Trickey	1145	E & T Casey
1095	J Coyle	1146	Mrs J C Farenden
1098	F J Baxter	1976	Miss J Davey
1100	Mrs Barbara Williams	1977	S A & C A Nethercoat
1102	Mrs P Thompson	3700	F Aslan
1104	Mr & Mrs Heron	4096	Lucas Aerospace
1105	Mr Gary Tucker	4815	The Directors of Shendish Manor
1108	Mr & Mrs L Mitchell		

### Support

5154 Mr Tony McWalter MP

### **Key Issues**

- (a) Is the site suitable for affordable housing. (1054, 1075, 1076, 1095, 1098, 1100, 1102, 1104, 1105, 1108, 1112, 1114, 1145, 1146, 1976, 1977, 3700)
- (b) Would development of this site have a significant effect on the countryside. (4096)
- (c) Should development at Shendish Manor be preferred to development of this site. (4815)

### **Inspector’s Conclusions**

#### **(a) *Suitability of the site for affordable housing***

7.27.1. The objectors’ concerns about the suitability of the site for affordable housing are based on a number of factors. These include the stability of the land and the safety of developing so close to the existing embankment; the impact of the additional traffic; the effect on existing parking problems; the loss of open space and trees; the loss of privacy and views; the lack of public transport; and the neighbourliness of affordable housing tenants. I deal with each of these matters in turn below. However, before doing so I have also examined the reasons the Council gives for allocating this site for affordable housing.

#### ***General considerations***

7.27.2. The Council argues that there is a substantial need for affordable housing in the Borough, especially in the New Town neighbourhood of Grovehill. In its view there are few other suitable sites in Grovehill to accommodate such development. The site has been identified as suitable infill site as part of the urban capacity study for the area. It has a high level of environmental sustainability.

7.27.3. Based on the findings of the 1998 HNS (CD82) I am satisfied that there is a high level of outstanding housing need in the Borough and that this is likely to continue to increase over time unless steps are taken to address the problem. Although some objectors have mentioned alternative locations for the development, I am not satisfied that any would be more appropriate than this land. Indeed some would in my view have a far more significant impact on the adjoining area. The site is in reasonable

proximity to a regular bus route and to the local school and shops. I consider, therefore, that it constitutes a relatively sustainable location for housing.

***Stability of the land and safety of development***

- 7.27.4. Many of the objectors point out that the land consists of builders’ rubble, which was deposited at the time that Grovehill West was developed. The Council concedes that there are stability problems but sees no reasons why current ground conditions should prevent a viable scheme for development coming forward.
- 7.27.5. Although the existing ground conditions would impose constraints on the development of the site, I have no reason to believe that these problems could not be overcome by appropriate technical solutions such as pile foundations. While these might increase the costs of development there is no evidence that this would render development of the site unviable. I appreciate the concerns raised about the proximity of the development to the edge of the steep embankment to the adjoining playing fields to the north. However, I consider that this could be adequately addressed by the provision of a suitable safety barrier along the top of the embankment. I am not satisfied, therefore, that the existing ground conditions merit finding this land unsuitable for housing.

***Traffic impact***

- 7.27.6. The Council argues that it would be undesirable in highway terms to serve the additional housing off the existing cul-de-sacs. They therefore propose that a new road should be developed to link Ninian Road and Argyll Road.
- 7.27.7. While the number of additional houses would be small, at present the cul-de-sacs provide a relatively safe environment for children to play in sight of their homes. I can, therefore, understand existing residents’ concerns about additional traffic. In my view linking the two roads would be likely not only to add to the number of vehicles using Ninian Road and more especially Argyll Road but it could also result in an increase in average speeds. This could result in a less safe environment for children to play. However, in my view this impact could be mitigated either by limiting through access to emergency vehicles only or by incorporating appropriate traffic calming measures. Subject to such measures I consider that the impact on safety would not be of such weight as to rule out this site as being suitable in principle for housing.
- 7.27.8. In reaching this conclusion I have noted the concerns raised in respect of noise and pollution. However, I do not consider that there would be a substantive increase in either of these bearing in mind the relatively small scale of development proposed.

***Parking problems***

- 7.27.9. It is clear that development of the site would involve the removal of the existing garage block between 47 and 48 Argyll Road as well as some of the on-street parking space available at Ninian Road. However, it would appear that there is ample scope for these to be replaced with alternative parking spaces, judging from the preliminary sketch scheme submitted by the Council (*LPA Doc. No. 520*). Indeed, it appears that it may be possible to provide additional parking space to help alleviate existing parking problems. I am not satisfied, therefore, that the impact on existing parking provision would warrant ruling out this proposal.

***Loss of open space and trees***

- 7.27.10. Although there are no facilities on the land, I have no doubt that the open space provides a valuable resource for informal play, particularly for smaller children, bearing in mind its close proximity to the existing housing. However, there is a large area of public open space to the north as well as smaller green areas within the estate that serve a similar purpose. I am not satisfied, therefore, that the loss of this open space would lead to a serious reduction in recreational opportunities for local residents.
- 7.27.11. I accept that there are a number of trees on the site, some of which would undoubtedly have to be removed as part of any development. However, this is unlikely to have a significant impact on local wildlife, as most of the trees are still relatively young. In any case, it should be possible to retain many of the larger and more important trees on the embankment, providing the latter remains largely undisturbed. These could be supplemented by additional planting as part of the landscaping of the development. I do not consider therefore that the proposal should result in an unacceptable loss of trees or wildlife.
- 7.27.12. In reaching this conclusion, I have noted local residents concern that children from Barncroft School planted many of the existing trees. However, while this has undoubtedly increased their local importance I am not satisfied that by itself this would justify the deletion of Proposal H26.

***Residential amenity***

- 7.27.13. The site is quite narrow and is directly overlooked by a number of houses in Ninian Road and Argyll Road. However, it would appear from the preliminary sketch that there is space for the new dwellings to be located sufficiently far from the existing houses to avoid a significant loss of privacy. I accept that occupiers of 59 to 66 Ninian Road and 44 to 47 Argyll Road will experience some loss of existing views. However, I am not satisfied that the loss of outlook would be so great as to result in a serious loss of residential amenity.

***Accessibility by public transport***

- 7.27.14. The site is less than 200 metres from Washington Avenue, which is served by a regular half hourly bus service. It is also within 200-300 metres of Barncroft JMI School and around 500 metres from the local centre at Grovehill. I am satisfied, therefore, that the site is not only highly accessible by public transport but its close proximity to the school and shops should encourage many future occupiers to access the local facilities by walking or cycling in line with the Government’s aims.

***Neighbourliness of tenants***

- 7.27.15. I appreciate that in some cases the occupants of tenanted housing may cause some problems for adjoining occupiers. However, there is no reason to believe that such problems are universal or that future tenants on this site would give rise to the difficulties envisaged by some objectors. PPG3 makes clear the Government’s commitment to securing a better social mix by creating mixed communities. In order to achieve this objective it is important that affordable housing is not segregated from

other forms of housing. In my view the creation of small schemes like that proposed under H23 is less likely to lead to problems than the creation of large isolated areas of social housing as has been the practice in the past.

***Other matters***

- 7.27.16. A number of objectors refer to the poor drainage of the land. However, development of the land for housing would in all probability improve the current situation, as it would facilitate the introduction of appropriate drainage. I note the concerns about the devaluation of objectors’ properties but I have no reason to think that any loss of value would be substantial. There may be some noise and dust while any houses are being built but this would be relatively short lived. I see no reason why access for emergency vehicles should be unreasonably restricted provided due care is taken with the design and layout of the development.

***Conclusions***

- 7.27.17. I am satisfied that there is a clear need for additional affordable housing and that there are no other more suitable locations within the vicinity. I consider that problems of ground stability and safety could be overcome. Similarly the impact of any additional traffic could be adequately mitigated by appropriate measures. There would appear to be adequate space to provide replacement parking and to avoid a significant loss of privacy. While there would be some loss of open space, trees and views I am not satisfied that this would cause serious harm. None of the other matters raised, in my view, would warrant rejecting the development. I find no reason therefore to conclude that the site should be deleted from the Plan. Accordingly I recommend that no modification should be made to the Plan in response to these objections.

***(b) Effect on the countryside***

- 7.27.18. The objector argues that the site would have an unacceptable effect on the Green Belt and the surrounding countryside. I have already addressed the former in section 4.30 of my report. I, therefore, deal only with the effect on the countryside at this point.
- 7.27.19. Although the site is prominent from the countryside to the north it is set at a much higher level than the adjoining playing fields. Any development on the site would be seen against the backdrop of the existing built-up area of Grovehill. In the circumstances, I consider the proposed housing would have only a limited visual impact on the surrounding countryside.
- 7.27.20. I am more concerned about the potential impact of the proposed link road and associated works. Judging from the preliminary sketch it appears that it would be necessary to undertake significant re-grading of the embankment to the rear of 63 to 66 Ninian Road in order to accommodate the road and the 14 dwellings proposed on this site. Such extensive re-grading would not only result in a loss of existing vegetation on the embankment, which currently helps to soften the edge of the built-up area, but it would also result in a prominent visual scar in the landscape. While the impact would reduce over time with appropriate re-landscaping, the much steeper slope of the re-graded embankment would still look out of keeping with the gentler slope of the adjoining sections. I consider, therefore, that the overall scheme, as currently proposed, could have an unduly intrusive impact on the adjoining countryside.

7.27.21. In order to minimise this impact it may be necessary to reduce the amount of re-grading which could necessitate re-designing the layout. This may ultimately mean that the number of units that are currently proposed under Proposal H26 could not actually be accommodated on the site. In order to ensure that the Plan provides sufficient flexibility to enable an appropriate scheme to be achieved I consider that it would be prudent in this particular case to reduce the net capacity slightly. I recommend, therefore, that the net capacity for H26 should be reduced by 3 dwellings.

**(c) Land at Shendish**

7.27.22. This is a much smaller site than the site proposed by the objector at Shendish. I do not consider, therefore, that it would have anything like the same visual impact. In my view the site is a sustainable location for housing and since the Council owns it I see no reason why it should not be available for development during the Plan period. I am not satisfied, therefore, that development of land at Shendish would be preferable to the development of this site.

7.27.23. However, in the light of the advice in PPG3 I consider that it is inappropriate for the Plan to allow for the possibility of a greenfield site like this being brought forward for development before previously developed sites within the urban area. I therefore recommend that the Plan should be modified by moving Site H26 from Part I to Part II of the Schedule so that its release can be appropriately monitored.

**Recommendation**

7.27.24. **The Plan be modified as follows:-**

- (a) move Proposal H26 from Part I to Part II of the Schedule of Housing Proposal Sites;**
- (b) reduce the net capacity of the site from 14 to 11 dwellings.**

**7.28. HOUSING PROPOSAL SITE H27  
LAND AT NORTH EAST HEMEL HEMPSTEAD**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1169	Mr G Cahalin	4061	HCC Environment Department
1289	CPRE - The Hertfordshire Society	4180	English Partnerships
1906	Hemel Hempstead Team Parish PCC	4664*	HCC Corporate Services Department
1922	Mr E A Alexander	4816	The Directors of Shendish Manor Estate
2119	The Crown Estate		

**Support**

1475	HCC Environment Department
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## Key Issues

- (a) Is H27 a suitable housing location in sustainability terms or are there other more sustainable housing locations in the Borough. (4816)
- (b) Is there a realistic prospect that H27 will be available for development within the Plan period. (4816)
- (c) Should the proposed housing area be enlarged by 4.5 hectares by taking land from the adjoining proposed employment site (E4). (1289)
- (d) What is the appropriate dwelling capacity for H27. (1289, 2119, 4180)
- (e) Is it appropriate to require 50% of the dwellings to be provided as affordable housing. (2119, 4180)
- (f) Would the site include an appropriate mix of house tenures. (1169)
- (g) Whether or not vehicular access should be provided to the site from Hunters Oak. (1169)
- (h) Would there be sufficient road and other infrastructure to serve the development. (1922)
- (i) Does the proposal make adequate provision for appropriate pedestrian and cycle links. (1169, 1906)
- (j) Would the Nicky Line be detrimentally affected. (1169, 1922)
- (k) Should the developer be required to undertake an archaeological evaluation and any consequential mitigation measures. (4061)
- (l) Would it be appropriate to require provision to be made for additional education facilities. (4664)

## Inspector’s Conclusions

### (a) *The sustainability of H27 in comparison to other sites.*

- 7.28.1. Although the objectors argue that there is a significant need for this land to be retained for employment purposes I am not satisfied that this is the case. It is clear that the EIP Panel considered that a housing site of around 200 dwellings would not jeopardise the development of the key employment site at North East Hemel Hempstead. There is no evidence that further land is needed to meet current employment needs. Indeed, in my view, the development of a slightly larger housing site in this location would not in fact undermine employment needs either during or beyond the Plan period for the reasons I set out in paragraphs 7.28.11 and 7.28.12 below. I am not satisfied that the allocation of land at North East Hemel Hempstead for housing would result in an unacceptable loss of potential employment land.
- 7.28.2. I note that the land is made up of higher grade agricultural land. However, the majority appears to be Grade 3. There is no evidence that the loss of this land would have a significant impact in agricultural terms or that it would undermine the viability of an existing agricultural holding. Moreover, the land is clearly identified as a strategic housing allocation in Policy 8 of the adopted Structure Plan Review.
- 7.28.3. Although the site is some distance from the nearest station it would be less than 400 metres from the main bus route along the Redbourn Road. Moreover, it seems probable that a new bus service could be provided to the site in conjunction with the

development of the employment site to the south. Indeed, if the area of the housing site is extended, as I recommend in paragraph 7.28.13 below, I consider the viability of providing such a service would be substantially increased.

- 7.28.4. The site would be within 800 metres of the nearest primary schools and not much further from the local centre at Woodhall Farm. While accessing these facilities would involve crossing the Redbourn Road, I do not consider this need constitute a significant barrier to pedestrians and cyclists if appropriate crossings are provided in line with the specified requirements. The site would also be very close a major employment area.
- 7.28.5. Although the land at Shendish would be closer to a railway station and to the nearest school at its closest point, it would be no nearer to a local centre. Indeed, the topography at Shendish would be more likely, in my view, to discourage future residents from walking or cycling to the local centre at Apsley. Although the land at Shendish would be slightly nearer to the town centre, the distance from both sites is such that most people seeking to travel to it would be likely to use vehicular transport. I consider that it would be equally easy to access the town centre by bus from either site. In this context the slightly shorter distance to Shendish would have a very marginal impact in sustainability terms.
- 7.28.6. As for the proximity to the existing fuel depot at Buncefield, the site would appear to be well outside the consultation distance for hazardous installations. The introduction of appropriate landscape buffers should mitigate the impact of any future development on the adjoining employment site, especially if development is largely restricted to specialised technological activities. Although the objector also refers to the proposed incinerator, even if this were a suitable location, which I doubt, there seems little realistic prospect that such a facility would actually be developed on the adjoining site. I am not persuaded, therefore, that it constitutes sufficient grounds for resisting the development of housing on this site.
- 7.28.7. On balance, I accept that the site at Shendish probably does have the edge in terms of its accessibility. However, the degree of advantage is, in my opinion, fairly slim. When the impact on the purposes of the Green Belt, on the visual quality of the Gade Valley and on the setting of Shendish Manor are also taken into consideration, I am not satisfied that it would constitute a more sustainable location for housing than H27.

**(b) *The availability of the site***

- 7.28.8. The objectors also raised the question of availability of the site in their original representation. However, their further written submissions do not provide any substantive evidence to support their view that this land is unlikely to come forward for development during the Plan period. I appreciate that the development of the land would be dependent on the provision of the North East Hemel Hempstead Relief Road, but there is nothing to suggest that this would present serious difficulties. Indeed, based on the evidence I heard at the Inquiry I consider that there is a realistic prospect of this road being built and site H27 and most of the adjoining employment site (E4) being developed during the Plan period. I therefore recommend that no modification should be made to the Plan in response to objection 4816.

(c) ***Enlargement of the site***

- 7.28.9. Objection 1289 seeks the enlargement of the housing site at North East Hemel Hempstead by 4.5 hectares to accommodate 165 additional dwellings. The CPRE calculates that this would be needed to meet the shortfall that would arise if a number of housing sites were deleted and the capacity of others was increased in line with their suggestions. The Council points out that they have previously suggested that a larger site of some 12.6 hectares should be allocated for housing in this location. However the EIP panel favoured the retention of the majority of the land at North East Hemel Hempstead for employment purposes, with a site for housing at the northern end sufficient to provide in the region of 200 dwellings. The Council considers that the proposed balance between employment and housing land is important to achieve the strategic objective of the key employment site and help meet the overall employment land needs in the Borough.
- 7.28.10. Policy 15 of the adopted Structure Plan Review identifies land at Three Cherry Trees Lane as a key employment site. It goes further in identifying it as one of two key employment sites where priority will be given to specialised technological activities or other activities that are in the national or regional interest. This approach was clearly endorsed by the EIP panel. The objector presents no substantive evidence to indicate that circumstances have changed significantly in respect of the need for employment land since the SPR was adopted. I have no doubt therefore that it is appropriate for a substantial area of land at North Eat Hemel Hempstead to be identified as a key employment site, particularly insofar as it is intended to accommodate specialised technological activities or other activities which are in the national or regional interest.
- 7.28.11. In my view, however, the question is whether the amount of land designated under Employment Proposal E4 is essential to meet this objective or could the area be reduced without detriment to its strategic objectives as a key employment site. It is clear from the evidence given at the Inquiry that while a substantial part of the site would be required for specialised technological activities and other activities that are in the national or regional interest, a significant portion is intended to be allocated for normal employment activities. I have concluded in Chapter 8 of my report that Employment Proposal E2 should be considered for retention and that the number of existing employment sites identified for housing under Policy 33 should be reduced. If these recommendations are adopted, I do not consider that it would be essential for land at North East Hemel Hempstead to be allocated for standard industrial uses in order to meet employment needs during the Plan period.
- 7.28.12. I appreciate that the strategic allocation was also intended to provide for employment uses in the longer term. However, in the light of my findings in sections 7.53 and 8.14 of my report I consider that the land at Breakspear Way is likely to be more suitable for this purpose. I conclude, therefore, that there is scope for the area of H27 to be enlarged slightly without undermining the strategic objectives for which land at Three Cherry Trees Lane was identified as a key employment site.
- 7.28.13. However, I am not satisfied that the objector’s suggestion of extending the housing area by 4.5 hectares would be appropriate. This figure seems to be based solely on the need to identify more housing land and fails to take sufficient account of the need to achieve an appropriate balance between the Borough’s housing and employment needs. In my view the Council’s original suggestion of a housing site of some 12.6

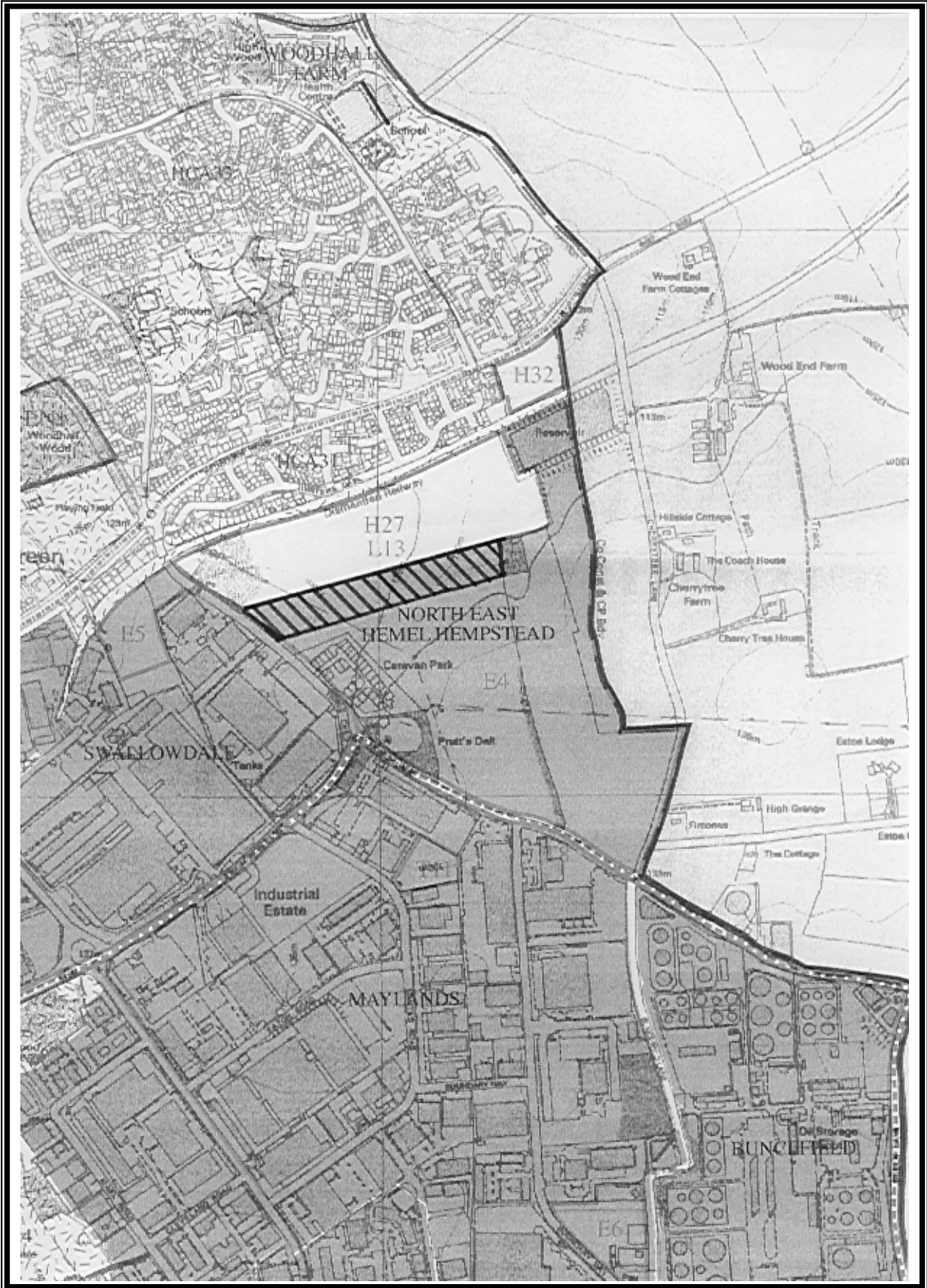
hectares (i.e. an increase of 3.2 hectares on the area specified in the Plan) would constitute a more appropriate size for the housing site. I am satisfied that this would achieve a more reasonable balance and should ensure that enough employment land is retained at North East Hemel Hempstead to accommodate specialised technological activities and other activities which are in the national or regional interest.

- 7.28.14. I, therefore, recommend that the Plan should be modified by enlarging the area of Housing Proposal H27 by 3.2 hectares, as shown in Figure 10. In addition, I consider that the area of the proposed local park should be proportionately increased to accommodate the recreational needs of the additional residents.
- 7.28.15. In reaching this conclusion I have taken account of the suggestions made at the EIP that a site of this scale would be less sustainable because of the distance from local facilities. However, it is clear from the plan in CD91 that the whole of the site would be within 800 metres of the nearest school. Although part of the enlarged site would be more than 800 metres of the nearest local centre, it appears that much of this area is likely to be required for public open space or buffer planting. It seems likely therefore that at least 80% of the housing would be within 800 metres of the local centre at Woodhall Farm. I consider, therefore, that the enlarged site would be more sustainable in accessibility terms than either the land at Breakspear Way (H15A) or West Hemel Hempstead Phase II (H51). It would also, in my view, have less impact on the wider countryside than the latter.

I appreciate that to access the local facilities at Woodhall Farm future residents would have to cross the busy Redbourn Road. However, providing suitable crossing points are created, I do not consider this would present a significant barrier. It would certainly be less of an obstacle, in my view, than the A4146 at Breakspear Way which is a dual carriageway. I am satisfied, therefore, that the enlarged site would be a sufficiently sustainable location for housing to warrant its allocation for this purpose in the Plan.

**(d) Dwelling capacity**

- 7.28.16. As for the capacity of the site, I have already accepted in paragraph 7.4.58 that the Council has been unduly cautious in its assessment of site capacities. I appreciate that the Council has calculated that the net capacity of the site, once the main road, open space and landscape buffers have been deducted, would be 41.4 dwellings per hectare, which it argues is consistent with PPG3. However, this appears to be based on the assumption that the whole of the landscape buffer to the employment site would fall within Proposal H27. In my view this is unrealistic. I consider, therefore, that there would be scope for further housing to be accommodated on the site.
- 7.28.17. However, I am not satisfied that it would be appropriate for the Plan to adopt the alternative figure of 350 dwellings which has been put forward by The Crown Estate and English Partnerships. This figure appears to be based on the assumption that high-density 3-storey development would be feasible on that part of the land closest to the proposed employment site. While it may well be possible to develop part of the site for higher density housing, I consider that it would be premature to assume that it definitely could be, in advance of more detailed consideration of the relationship between the housing and employment sites. In my view setting the capacity as high as



**FIGURE 10** ↑  
SCALE : 1:10,000 N

**AREA OF EMPLOYMENT PROPOSAL SITE E4 TO BE ALLOCATED FOR HOUSING**

350 dwellings at this stage would give the Council insufficient flexibility to ensure that a satisfactory relationship could be achieved between the two sites.

- 7.28.19. Even the alternative figure of 320 dwellings put forward by the objectors, although more realistic, could still, in my view, restrict flexibility of design and layout. Having said this I consider that some increase in the net capacity specified in the Plan would be beneficial. Not least it would more effectively signal to any potential developer that the Council was seeking to achieve the best use of the land in line with the objectives of PPG3. In my view a capacity of 270 dwellings on 9.4 hectares would not be unworkable, bearing in mind that some of the proposed landscape buffer could, in my opinion, be reasonably accommodated on the adjoining employment site.
- 7.28.20. If the site is enlarged as I have recommended in paragraph 7.28.14 then a higher figure would obviously be appropriate. I note that the Council originally considered that the larger area could accommodate 260 dwellings. However, following the pre-deposit public consultation it determined that the capacity of the site could be increased by a further 50 dwellings, making a total of 310 units<sup>59</sup>. In the light of my findings above I consider that in reality a higher density could realistically be achieved. However, I consider that it would be sensible at this stage to set the net capacity at 350 dwellings to allow sufficient flexibility to achieve a satisfactory relationship with the adjoining employment site and to provide adequate open space to meet the future recreational needs of the additional population.
- 7.28.21. I, therefore recommend that the net capacity of the larger site be set at 350 dwellings. However, if the Council should decide not to adopt my recommendation that the site should be enlarged, I consider that the capacity of H27 should be increased to 270 dwellings.

**(e) Affordable housing**

- 7.28.22. The objectors argue that a target figure of 50% is unrealistic and does not comply with the aims of the Structure Plan Review. However, as I have already indicated in paragraph 7.8.162 the SPR refers to a figure of between 25% and 40% as normally appropriate for most market sector-led developments. There is no indication that 40% was intended to be the maximum ceiling in respect of all developments. Indeed, paragraph 196 of the SPR goes on to indicate that the strategic developments on greenfield sites at Hemel Hempstead were considered to be key locations for the provision of a substantial proportion of affordable housing for rent. In my view this suggests that the County Council expected these sites to provide for a higher proportion of affordable housing than other market sector-led developments.
- 7.28.23. Even if did not, I consider that things have moved on since the SPR was adopted. The recently adopted RPG9 sets a provisional indicator of 18,000 to 19,000 dwellings being provided as affordable homes in the period up until 2011. This amounts to almost 50% of the total expected housing provision for ROSE. Within this context and bearing in mind the findings of the 1998 HNS for Dacorum I do not consider that an indicative target of 50% for the housing site at North East Hemel Hempstead would

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<sup>59</sup> The figure in Appendix 7 to CD45 is 350 dwellings but it is clear from the representations that 40 of these dwellings were to be provided on that part of the land to the south of Redbourn Road which falls within St. Albans District.

be unreasonable. Indeed, the continuing exponential rise in house prices in Dacorum since 1998 has probably reinforced the need for a high proportion of affordable housing to be sought on greenfield sites in the Borough.

- 7.28.24. There is no clear evidence at this stage that such a target would seriously undermine the viability of the development of H27. Indeed, the survey undertaken by Fordham Research Ltd (CD62) suggests to the contrary. If when the detailed design is undertaken it appears that the economic viability of the scheme would be more marginal than originally supposed it would still be possible for the indicative figure to be reviewed in the light of the criteria in Policy 21. In the circumstances, I find no justification at this stage for deleting or reducing the affordable housing target for H27. However, in the light of my earlier comments I consider that it would be sensible to insert the word ‘around’ before the figure to make clearer that it is an indicative target and not an absolute requirement. Subject to this minor amendment I recommend that no other modification should be made to the Plan in respect of the affordable housing requirement in Proposal H27.
- 7.28.25. In reaching this conclusion I have had regard to the findings of the Inspector who considered the Harborough Local Plan. However, in that case it appears that the Local Planning Authority was seeking to establish a standard 35% target across the board for all major development sites. Such an approach clearly does not accord with the advice in Circular 6/98. In contrast, Dacorum Borough Council appears to have given consideration to what it believes each site could support before setting its individual site targets. In my view such an approach conforms to the guidance in PPG3 and Circular 6/98. I appreciate that the proportion of affordable housing required by other Hertfordshire authorities seems generally to be lower than in Dacorum. However, these targets would again appear to be generalised rather than site specific. More importantly, I am not satisfied from the information available that the circumstances of these authorities are exactly comparable with the situation in Dacorum. I am not satisfied, therefore, that the targets set by other authorities warrants a lower indicative target being set for Proposal Site H27.

**(f) *Housing mix***

- 7.28.26. The objector seeks a mixture of residential homes and affordable rental housing to maintain the character and balance of homes that exist in Hunters Oak. The requirements for H27 already indicate that a significant proportion of the housing should be provided as affordable housing. While they do not specify the type of affordable housing, it appears reasonable to assume that in the light of Policy 21 a significant proportion would be socially rented housing. I am satisfied therefore, that the proposal should achieve a reasonable mix of private and affordable rental housing.
- 7.28.27. The requirements also specify that the development should include 1 and 2 bedroom properties. It seems likely therefore that there would be a wide range of house types and sizes. In the circumstances, I am satisfied that the development should provide for a mixed and balanced community in line with the advice in PPG3. In my opinion, it is less important whether or not the final mix exactly matches the existing housing in Hunters Oak since the two sites would be physically separated by the Nicky Line. I do not consider, therefore that a different mixture would, in itself, harm the character of

the existing development at Hunters Oak. I find no reason, therefore, for the Plan to be modified in response to this element of objection 1169.

***Access***

- 7.28.28. The evidence presented at the Inquiry by both the Council and the landowner suggests that there is no intention of providing a vehicular access link between the proposal site and Hunters Oak. However, although the Council contends that the planning requirements make this clear I am not satisfied that this is in fact the case. I appreciate that the requirements in Part 4 of the Plan refer to vehicular access being via a loop road which would connect to a new roundabout on Three Cherry Trees Lane north of the gypsy site and then pass through the proposed employment site to the south. However, as I see it, there is nothing in the requirements that would rule out the possibility of a secondary vehicular access being provided. Indeed the reference to providing links to Woodhall Farm, in the planning requirements for Proposal H27, could be taken to include a vehicular link.
- 7.28.29. If it is the Council’s intention to rule out such a link being provided then I consider that the requirements need to be amended to make this clear. Even if it is not intended to rule out such a link, I consider it would be better if the reference to the links to Woodhall Farm under H27 was altered to specify the type of links that are intended. I recommend that the Plan be modified accordingly.
- 7.28.30. In terms of providing a secondary vehicular link through the Hunters Oak estate while this would clearly have disadvantages, particularly in respect of its impact on residential amenity as well as on the recreational and nature conservation value of the Nicky Line, it would potentially also have some advantages. Not least it would provide more direct access to local facilities at Woodhall Farm. Whether or not this advantage would be sufficient to outweigh the clear disadvantages is a matter that, in my view, would be best assessed at the detailed development brief stage. In the circumstances, I consider it would be better for the requirements to be left reasonably flexible in order not to preclude more detailed consideration of this possibility. I, therefore, recommend no modification should be made to the Plan in response to this aspect of objection 1169.

***(g) Adequacy of infrastructure***

- 7.28.31. The requirements make clear that development will not be allowed to proceed in the absence of a comprehensively planned transport infrastructure and off-site highway improvements, including the completion of the North East Hemel Hempstead Relief Road. I am satisfied that these requirements should be sufficient to ensure that the development does not lead to additional traffic congestion on surrounding roads. The amended requirements under PIC40 also provide for a contribution to be made towards additional educational provision. I am satisfied, therefore that the appropriate infrastructure should be in place to support the proposed development. I find no reason for the Plan to be modified in answer to this element of objection 1922.

***(h) Pedestrian and cycle links***

- 7.28.32. Both objectors request that any development should ensure that appropriate pedestrian and cycle access is provided to local facilities and employment areas. It is clear from the requirements in Part 4 of the Plan that the Council expects a network of cycle and

pedestrian links to be provided as part of the development. I am satisfied, therefore that the proposal should ensure that appropriate provision is made for pedestrians and cyclists. In the circumstances, I see no need for the Plan to be modified in response to objections 1169 and 1906. However, as I have already indicated in paragraph 7.28.29 I consider that it would be better if the requirements for H27 were amended to make clear that the links to be provided to Woodhall Farm are intended to be for pedestrians and cyclists.

**(i) *Effect on the Nicky Line***

7.28.33. Concern is raised about the impact on the Nicky Line. It is clear that this disused railway provides an important recreational and environmental resource. I can therefore understand local residents’ anxieties about its future. However, the requirements make clear that the character and ecological value of the Nicky Line should be respected and I see no reason why it should not be possible to achieve this. Providing any new housing on H27 is set back sufficiently far from the Line I am satisfied that the walkway would not become a “seedy lane and a muggers’ paradise” as one objector clearly fears. I, therefore, recommend no modification should be made to the Plan in response to objections 1169 and 1922.

**(j) *Archaeological interest***

7.28.34. In response to this objection the Council proposes to amend the requirements under PIC40 to require an assessment of archaeological potential and the implementation of measures to mitigate the impact as necessary. However, although the County Archaeologist argues that the site should be considered to have archaeological potential, it is not clear on what evidence this conclusion is based. The site does not lie within an area that is designated as being of archaeological significance under Policy 114. Nor for that matter does it adjoin or even lie close to such an area. There is no indication that the site is identified in the Sites and Monuments Record. I would question therefore whether adding an additional requirement to oblige a developer to carry out an assessment of archaeological potential on this site is justified.

7.28.35. However, I accept that the PIC40 would address the objection and I note that there has been no counter-objection to it. In the absence, therefore, of more detailed evidence as to the reasons why the County Archaeologist considers an assessment to be essential, I do not feel it would be appropriate to recommend that the proposed pre-inquiry change be not proceeded with. I would suggest, however, that the Borough Council might wish to consult further with the County Archaeologist on this matter before adopting the proposed change.

**(k) *Educational provision***

7.28.36. The County Council considers that all housing developments, including H27, should make a contribution towards educational provision. The Borough Council accepts that in this case that local educational provision would not be able to accommodate pupils from the development and that existing facilities will therefore need to be expanded. They therefore proposed under PIC40 to require financial contributions to the provision of educational facilities. However, the County argues that the requirement needs to be more flexible in order to allow for the possibilities of on-site provision or the developers carrying out works to an existing school. In response the Borough

Council proposes under FC30 to make a further amendment to the wording to delete the reference to financial contributions.

7.28.37. I have no doubt that with a development of this scale, particularly if the site is enlarged as I have recommended, additional educational facilities would be needed in the area. In the circumstances, I consider that it is reasonable for this fact to be highlighted in the requirements. In my view the revised wording of FC30 is a more sensible approach since it allows for a greater degree of flexibility in determining the most appropriate form for such a contribution. However, I agree with the County that it would be better if the wording was strengthened by the inclusion of the words “will be”. In addition, I consider that the wording of the requirement should be amended slightly in order to ensure an appropriate degree of consistency with similar requirements under other housing proposals. I, therefore, recommend that the Plan should be modified in accordance with PIC40 and FC30, subject to the wording of the requirement for the provision of additional educational facilities being revised.

**Recommendation**

7.28.38. **The Plan be modified as follows:-**

- (a) enlarge the area of H27 by approximately 3.2 hectares to give a total site area of 12.6 hectares in accordance with Figure 10;**
- (b) increase the capacity of H27 to 350 dwellings;**
- (c) amend the planning requirements as set out below:-**
  - (i) insert the word ‘around’ before the figure of 50%;**
  - (ii) delete the sentence beginning “Links to Woodhall Farm must be provided...” and substitute the following wording:-**  
  

**“Pedestrian and cycle links to Woodhall Farm, must be provided, including safe and convenient crossing points on Redbourn Road.”**
  - (iii) add additional text in accordance with PIC40, subject to the deletion of the first sentence and the substitution therefore of the following:-**  

**“A contribution towards the provision of additional educational facilities will be required.”**
  - (iv) revise the area of land required for the small local park to take account of the increased size of the housing allocation.**

**7.29. HOUSING PROPOSAL SITE H28  
PARADISE FIELDS, HEMEL HEMPSTEAD**

Objections

<p>Rep No 1290 4178</p>	<p>Name CPRE - The Hertfordshire Society English Partnerships</p>
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<p>Rep No 4665 4817</p>	<p>Name HCC Corporate Services Department The Directors of Shendish Manor Estate</p>
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**Support**  
1476 HCC Environment Department

## Key Issues

- (a) Is H28 an appropriate site for housing. (4817)
- (b) Would it be available for development within the Plan period. (4817)
- (c) Should the proposed housing density be increased. (1290)
- (d) Are the planning requirements too prescriptive or should they be more flexible. (4178)
- (e) Should the requirements seek a contribution towards educational provision. (4665)

## Inspector’s Conclusions

### (a) *Suitability of the site for housing*

7.29.1. The site currently consists of four fields separated by hedgerows, trees and ditches. It was originally indicated in the early master plans for the New Town as open space. However, it was identified in 1960 for expansion of the adjoining Hemel Hempstead General Hospital. Following further consideration of the future needs of the hospital and the desirability of achieving public open space provision, it was subsequently identified in the adopted Plan [H62] for housing, open space, and small scale industrial, commercial or business development. However, in view of the uncertainties regarding the expansion of the hospital the land was reserved for implementation after the Plan period. The Deposit Draft now proposes the site for development in Part I of the Schedule of Housing Proposal sites.

7.29.2. The site lies close to the town centre and adjoins the Paradise GEA and the local hospital. It is therefore highly accessible to a wide range of facilities and employment opportunities. The front part of the site, which is the area proposed for housing, also lies within 400 metres of the nearest primary school. Although part of the site is now identified as a wildlife site, I consider that there is still scope to develop the remainder. I am satisfied, therefore, that the site is appropriate for housing. I find no reason to conclude that the land at Shendish, which is promoted by the objector, would be preferable either in terms of its sustainability or its suitability for housing.

### (b) *Availability during the Plan period*

7.29.3. I am rather more concerned about the availability of the site. It appears that there were uncertainties regarding the development of this site at the time of the 1992 Inquiry, particularly in respect of the hospital’s future requirements. The Inspector therefore urged the Council, the Health Authority and the landowner to establish the land needs of the hospital as a matter of urgency (*see paragraph 5.103 of CD37*). Although there have been ongoing discussions since then between the Council, the landowner and the hospital authorities, the exact needs of the hospital and the contribution they would be able to make to any development still remain unclear. I accept that the nature of the hospital’s needs do seem to have become more clearly defined, in that it is now

suggested that at least 135 units of nursing accommodation would be required. However, the hospital authorities appear reluctant to commit themselves to a detailed scheme in advance of key decisions being made about the future of health service in West Herts. Exactly when those decisions will be finalised is not apparent from the evidence presented.

- 7.29.4. I acknowledge, therefore, that there remains a degree of uncertainty in respect of the development of the rear portion of the site. However, in the light of the continuing dialogue with the hospital authorities, I have no reason to disbelieve the Council and landowner’s assertions that the outstanding matters are likely to be resolved before the end of the Plan period. Even if the issues related to any hospital-related development cannot be resolved within this time frame, I see no reason why this should prevent development of the front part of the site for housing as proposed by the landowner. I am not satisfied, therefore, that the problems of availability are such as to warrant the deletion of H28 as a housing site.
- 7.29.5. However, in the light of the advice in PPG3 on the phasing of greenfield sites and the continuing uncertainties in respect of this site, I consider that it would be more appropriate for this site to be included in Part II of the Schedule for development after 2006. I, therefore, recommend that in response to objection 4817 the Plan be modified by moving Proposal H28 into Part II of the Schedule of Housing Proposal Sites.

**(c) *Housing density***

- 7.29.6. The objector argues that the capacity of the site should be increased by 35 units to achieve a density of 15 dwellings per hectare. However, although table 4 of CD57B indicates that the gross density of the site would be only 9.5 dwellings per hectare it is clear that only the front part of the site is likely to be developed for housing. Table 6 indicates that the developable area would therefore be some 1.2 hectares. The Council calculates that the net density for this area would be 50 dwellings per hectare. The capacity would, therefore, actually fall at the upper end of the range specified in PPG3.
- 7.29.7. Adding a further 35 units would result in a net density of almost 80 dwellings per hectare. While this density might not be inappropriate in such a central location, in the absence of any details of the layout of the site, I am concerned that it could prove difficult to accommodate 95 dwellings on this site without harming the character of the surrounding area. The land is not only prominent from the A414 but is also visible from the opposite side of the valley. In the circumstances, I do not think that it would be appropriate at this stage to increase the net capacity by 35 units.
- 7.29.8. However, I consider that there is some scope for the capacity to be increased. Even though the net density would be at the top end of the range in PPG3, I do not consider that this makes it automatically acceptable. In my view the Council should be seeking to achieve the maximum density compatible with the area, in order to meet the objectives of PPG3 in respect of making best use of urban land. In view of the nature of the surrounding development I am satisfied that a density higher than 50 dwellings per hectare would not look out of place, subject to appropriate account being taken of the slope of the site.

- 7.29.9. The evidence given on behalf of the landowners suggests that a development of 100 houses was considered potentially achievable. However, it is not clear exactly what area this was expected to cover. Since this evidence predates the designation of the two central fields as a wildlife site I consider the figure needs to be treated with some caution, particularly in view of the topography of the site. Nevertheless, it seems to me from what I saw of the site that a net density of around 60 dwellings per hectare could be achieved without detriment to either the character of the surrounding area or to the interest of the adjoining wildlife site. In the circumstances, I recommend that the Plan should be modified to increase the capacity of H28 to 70 dwellings.
- 7.29.10. In reaching this conclusion I have noted the Council’s arguments that the capacity for the site was set by the 1992 Inspector. However, it is clear from paragraph 5.106 of his report that this was based on the Council’s own estimates. In the light of the more recent advice in PPG3 and my recommendation below that the reference to small scale industrial, commercial or business development should be deleted, I consider that an increase of 10 dwellings at this stage is not unreasonable.

**(d) Flexibility of the requirements**

*Mix of development*

- 7.29.11. In addition to development for the hospital, the requirements propose a potential mix of housing, open space and small scale industrial, commercial and business development. This mix has been carried forward from the adopted Plan. However, judging from the evidence presented at the Inquiry it seems unlikely that the final scheme would involve any industrial or commercial development. In the light of this fact I would question whether it is any longer appropriate for the requirements to refer to small-scale business development. Indeed, I do not see how such development could satisfactorily be accommodated in addition to the other elements of the proposed scheme. As the site is separated from the adjoining employment area by a belt of woodland and it now appears that the Council envisages the central two fields being retained as open space I consider that it would make more sense for this element to be omitted. I recommend that the requirements should be amended accordingly.
- 7.29.12. In addition, I question whether it is any longer appropriate for the area to be shown as one proposal site. It would appear that draft proposals for the site have now reached a stage where its general division seems to be largely agreed. It certainly seems to be the Council’s intention that the field adjacent the A414 would be allocated for housing, the two central fields would be kept as open space and the field adjacent the hospital would be retained for staff accommodation and other related hospital uses. I find no reason in principle to question this division. The only linking element would be the possible provision of a new link road from the A414. However, even if this road is provided, which is by no means certain, I consider that this could be addressed by stipulating in the requirements that the development of the individual sites should be considered together.
- 7.29.13. In these circumstances, I think the Plan would be much clearer, in terms of the Council’s future intentions for this site, if the land was divided into 3 separate areas. In my view, it would make more sense for the front part of the site to be identified as Proposal H28, the middle two fields as a new Leisure Proposal Site, as well as open

space under Policy 110, and the rear field as Proposal C5. I recommend that the Plan be modified accordingly.

*Access arrangements*

- 7.29.14. The objectors originally raised concerns regarding the requirement that some of the housing should be served off Turners Hill. While they accept that access could potentially be provided from this direction, they do not consider it would be essential in order to achieve a satisfactory development of this site. The Council concedes that the provision of access from Turners Hill may not be necessary and propose under FC32 to amend the wording to indicate that such access “may be required”. The objectors are content with this change. As the change would provide a more reasonable degree of flexibility I support it. I recommend, therefore, that the Plan be modified in accordance with FC32.
- 7.29.15. I am concerned, however, about the retention of the reference to the possible need for a new link road from the A414 to the town centre. It is clear that at the time of the 1992 Inquiry that the provision of this link road was included as a proposal in the draft of the adopted Borough Local Plan. The Inspector recommended that the proposal should be deleted, as there was little evidence to suggest that the link road was likely to be needed or that finance for its construction would be available. There is no evidence that this situation has changed significantly. Indeed, there is no suggestion that any of the draft schemes prepared for the site since 1993 have included the provision of a link road to the town centre.
- 7.29.16. What has been considered is the provision of an additional access to the hospital for emergency vehicles. Although the requirements merely expect consideration to be given to the link to the town centre, in view of the lack of evidence of any need for such a link, I consider it would make more sense for reference to this link to be deleted. However, it would be prudent, in my view, for the requirements to refer to the provision of an additional access to the hospital and I recommend that the Plan be amended accordingly.

*Affordable housing*

- 7.29.17. The objectors argue that it is unreasonable for the Plan to require 40% of the housing on this site to be provided as affordable units bearing in mind the costs involved with any development. For the reasons I have already given in paragraphs 7.8.158 to 7.8.164 I do not consider that an indicative site target of 40% is in principle unacceptable. I have, therefore, considered at this point whether such a target is appropriate for this particular site.
- 7.29.18. A number of factors have been put forward by the objectors to support their contention that the costs of development of this site make a 40% target unreasonable. These include the constraints imposed by the topography, the cost of providing access to the hospital, the requirement to provide land for nurses’ accommodation at below market cost and the need to dedicate part of the site as open space. It is also argued that the construction of 135 units of accommodation for hospital staff would provide a very substantial element of affordable housing. The Council, however, contends that there is no evidence to suggest that these factors would make the development of the site unviable, even with 40% of the proposed housing being provided as affordable units.
- 7.29.19. Turning to the last factor first, I acknowledge that the provision of accommodation for key workers is clearly viewed by the Government as an important element of overall

housing provision. However, although such accommodation may well contribute to the provision of affordable housing within the Borough, it is clear from the 1998 HNS that the level of need is very substantial. Even if all the individual site targets are met I consider that the need would be likely to significantly outstrip the level of provision that can be achieved. I am not satisfied, therefore, that even if the staff accommodation is provided, which at this stage is by no means certain, it would constitute sufficient ground for reducing the indicative target.

- 7.29.20. As for the other matters that have been raised, I accept that the topography of the site may increase development costs slightly, but this situation is not unique in Dacorum. It does not appear to have placed a significant constraint on development elsewhere in the Borough. I doubt therefore that the sloping nature of the site would have a material impact on the viability of the site’s development for housing. The costs of providing access, especially if access has to be provided to the hospital, are likely to be far more significant. The evidence provided to the Inquiry indicates that the final figure could be over £1 million, when the costs of infrastructure for the estate are added to the costs of the proposed access from the A414.
- 7.29.21. Although the Council argues that this cost could be reduced through the construction of a left in/left out junction on the A414, I consider that such an approach is unlikely to be practical. Not only would it fail to meet the needs of the hospital, in respect of achieving improved access for emergency vehicles, but such an approach would also lead to further congestion at the Plough Roundabout. It is clear from Appendix 3 of LPA Doc. No. 211 that the Highway Authority considers such an approach would only be acceptable if the level of development on the site was restricted well below what is sought. Since an all movement junction would appear to be feasible and would probably be safer, I consider that to require a more restricted junction in order to reduce overall development costs would be unreasonable. Certainly imposing an unnecessary constraint on the level of development would not, in my opinion, accord with the objectives of PPG3, which seek to ensure that best use is made of urban land. I am satisfied, therefore, that the objector’s figures provide a reasonably realistic picture of the costs of providing a suitable access.
- 7.29.22. While it is possible that the hospital may be able to make a contribution towards these costs, this is by no means sure at this stage. Indeed in the light of the previous deficits experienced by the former West Hertfordshire Trust and the increasing demands on NHS services nationally, I consider that it is extremely doubtful on present evidence that the hospital authorities would be able to make a significant contribution to infrastructure costs.
- 7.29.23. It is also apparent that the hospital authorities are extremely unlikely to be able to purchase the necessary land for the additional staff accommodation at market cost. It seems reasonable to assume, therefore, that if this accommodation is to be provided the owners would probably have to sell the rear part of the site to the local health trust at well below its market value.
- 7.29.24. In addition, although the requirements do not specifically require that the central portion of the site be handed over to the local authority as open space, it is clear that this is what the Council is seeking to achieve. If the recreational and ecological value of the central fields is to be retained and enhanced it will be essential, in my view, for

them to be appropriately managed. I consider that this objective is most likely to be successfully achieved if the land is transferred to the Council or another similar body.

- 7.29.25. When all these factors are considered together I have no doubt that the development costs for this site are likely to be significant. In my opinion, it is important that all these elements are incorporated within the final scheme if a satisfactory long term solution to the future of this land is to be achieved. I appreciate that apart from the highway and drainage costs no other detailed information of costs has been supplied. I accept, therefore, that there can be no certainty at this stage that a requirement for 40% affordable housing would render any development of the site unviable. However, there is no evidence to the contrary either. The Council does not appear to have undertaken any assessment of the viability of the development, which contrasts with the approach they have adopted in respect of the larger greenfield housing sites that are identified in the Plan.
- 7.29.26. The previous scheme for 100% affordable housing, which was put forward by the Council as part of the Investment in Success Initiative (IIS), showed a deficit of £800,000. It seems likely, therefore, that the overall costs in this case could have a significant impact on the viability of any development. I am concerned, therefore, that a requirement for 40% affordable housing could jeopardise the prospects of a successful scheme being achieved. While I accept that the target is an indicative one and that a lower level of provision could ultimately be agreed, I consider that it would be unreasonable to set the target as high as 40% if there is little realistic prospect of this level of provision being achieved. On balance, therefore, I have come to the conclusion that setting a target of 40% of affordable housing for this particular site would be inappropriate.
- 7.29.27. I have, therefore, gone on to consider what level the indicative target should be set at. I do not accept the objector’s original suggestion that the requirements should omit any reference to a specific figure. In my view, such an approach would not accord with the objectives of PPG3. The alternative figure of 20% that was put forward at the Inquiry would also in my opinion be too low. This is the lowest level of provision the Plan seeks in general terms from any site. It is clear that the Council considers such a target to be relevant to previously developed sites where the level of remedial works would be very substantial. Although the costs for developing this site would be high I am not satisfied that they would be equivalent to the cost of developing a brownfield site.
- 7.29.28. Having considered all the evidence and examined the targets for the other housing sites identified in the Plan, it seems to me that a target of 33% would be more reasonable. This would be similar to the target for land at the Manor Estate (TWA7), the development of which would also involve high infrastructure costs and the allocation of significant areas of open space. I appreciate that it would be a much larger site than H28 but the overall costs for infrastructure provision are likely to be substantially higher in that case. I consider, therefore, that a similar target for both sites would be appropriate. Clearly, as it would only be an indicative target there would still be scope for a lower, or even a higher, level of provision to be negotiated should development costs be greater or smaller than initially predicted.
- 7.29.29. I have reached this conclusion on the basis that the scheme would provide alternative access to the hospital, land for the development of staff accommodation and an extensive area of public open space. If it is subsequently concluded that any of these

elements of the scheme are not required or could not be provided then I consider that it would be reasonable for the Council to seek a proportionately higher level of affordable housing. In the circumstances, I find that the requirements should be amended to include an indicative target of around 33% of the total number of units being provided as affordable housing. However, they should also indicate that if any of the other requirements are subsequently omitted then a higher level of provision would be sought. I recommend that the Plan be modified accordingly.

*Hedgerows, trees and meadow land*

- 7.29.30. The objector seeks a number of minor amendments to the wording of the requirements in respect of landscaping and ecological matters. In particular, it is suggested that the reference to “the most significant areas of natural history value” should be changed to ‘the important areas of natural history value’, the reference to hedgerows and meadow land deleted and the words ‘where appropriate’ added after the word “supplemented”.
- 7.29.31. These minor changes would not significantly alter the meaning of the requirements. However, in my view they would neither improve their clarity nor would they provide the greater degree of flexibility that the objector is obviously keen to achieve. I am not satisfied, therefore, that the proposed amendments are justified and I recommend that no modification be made to the Plan in this respect.

*Wildlife site status*

- 7.29.32. Although both the objector and the Council agree that some part of the land should be retained as open space it is clear that the extent of this area and the ecological value of the site is disputed. Following the Inquiry session in July 2000 the Council were advised by the Hertfordshire Biological Record Centre that the site met Wildlife Site criteria and that the two central fields had been designated as such by the Wildlife Sites Steering Group. The Council therefore proposes to make another further change to the requirements (FC60) to draw attention to this designation. English Partnerships object strongly to this change and question both the ecological value of the site and the process through which it was determined to designate it as a Wildlife Site.
- 7.29.33. It is unusual for a further change to be proposed after the relevant Inquiry session but there is nothing to prevent the Council from taking this course of action where they consider it appropriate. Since the decision to designate the central area as a Wildlife Site did not occur until after the relevant Inquiry session the timing of the proposed change is understandable. In this case the objector has clearly had the opportunity to comment on the proposed change and has done so at some length. I am not persuaded, therefore, that my taking this change into account would prejudice either party.
- 7.29.34. The designation of the two central fields as a Wildlife Site appears to have been undertaken in accordance with the normal procedure for such designations and according to standard criteria. I can find no justification, therefore, for the objector’s criticisms of the process by which the designation took place. Neither in my view do I consider it unreasonable for the Council to seek to rely on the HBRC and the Steering Group in respect of such designations in the light expertise of these bodies. Moreover, the wording of Policy 103, which is similar to that in the adopted Plan, states clearly that the definition of such sites will be by reference to HRBC, English Nature and the Hertfordshire and Middlesex Wildlife Trust.

- 7.29.35. Although it is argued that the Council should be able to support such a designation at the Local Plan stage, the designation of individual Wildlife Sites is not directly part of the Local Plan process. Although they are referred to in general terms in Policy 103, the sites are not individually identified either in the text of the Plan or on the Proposals Map. The inclusion of a reference to the site being designated as a Wildlife Site in the planning requirements for H28 would be merely recording a fact that has already occurred. Not including it would not alter its designation. Consequently, I am not satisfied that the situation is exactly comparable to the circumstances that prevailed in respect of the Haringey, Runnymede and Spelthorne Local Plans.
- 7.29.36. I appreciate that the site is of limited ecological value in national terms and I note that the criteria for identifying grassland of wildlife interest in Hertfordshire relies on a lower number of indicative species than in some other parts of the country. Nevertheless, it seems to me that the combination of the presence of these species, the locally uncommon butterflies the grassland supports and the site’s location in a densely populated area of the town are probably sufficient to warrant the designation of these two fields as a site of local wildlife interest.
- 7.29.37. Even had I considered that this designation was not justified, I do not think that this would have been sufficient to warrant a significantly different approach to the development of this site. In my view, the visual and recreational value of the central fields are sufficient in their own right to warrant this area of the site being kept largely free of development. In the circumstances, I support FC60 and recommend that the Plan be modified accordingly. However, in the light of my recommendation in paragraph 7.29.13 it will be necessary to make some modification to the wording of the requirements for the housing site to take into account that the central fields would now be identified as a separate Leisure Proposal Site.

**(e) Educational provision**

- 7.29.38. The County Council argues that all housing sites should include a requirement for a contribution towards educational provision. The Borough Council accepts that because there are some uncertainties regarding when this site would come forward there may be insufficient local capacity in the educational system to accommodate any additional pupils by the time development takes place. They therefore propose that the requirements be amended under FC27 to indicate that such a contribution may be required depending on the type of units and the ability of the development to meet the other requirements. The County, however, contend that the reference to such a contribution being assessed in the light of the ability to meet the other requirements is inappropriate as this would suggest that the importance of educational provision falls below other matters.
- 7.29.39. In my view it would be both sensible and reasonable to include an additional reference to the possible need for a contribution to be made towards educational provision, since it is clear that by the time the development takes place existing schools in the area may have reached capacity. However, while I can understand the reasons the Borough Council considers it appropriate to refer to such a contribution in the context of the ability of the development to meet other requirements, I am concerned that this appears to put educational provision on a lower footing than the other requirements.

While this may seem appropriate now, circumstances could clearly change during the life of the Plan.

7.29.40. Although the question of viability would clearly be relevant in this case, I consider that the weighting of the various requirements and the priority that is accorded to them would be more appropriately determined at the time an application is considered. To seek to qualify the requirement at this stage could unnecessarily constrain the flexibility of the Plan to meet changing circumstances. In my view, therefore, it would be simpler at this stage to merely state that a contribution towards additional educational provision may be required. This would allow the Council sufficient flexibility to determine whether ultimately to seek such a contribution and the extent of any contribution that would be sought. I recommend, therefore, that FC27 should not be proceeded with and instead the Plan should be modified to merely indicate that a contribution may be required.

**Recommendation**

7.29.41. **The Plan be modified as follows:-**

- (a) Proposal H28 be moved from Part I to Part II of the Schedule of Housing Proposal Sites;**
- (b) the Proposals Map be amended in accordance with Figure 11 to show:-**
  - (i) Proposal H28 as covering the 1.2 hectare field adjoining the A414;**
  - (ii) Proposal C5 covering the field adjoining Hemel Hempstead General Hospital;**
  - (iii) Proposal L11 covering the two central fields;**
- (c) Proposal H28 be revised as set out below:-**

<i>Site reference</i>	<b>H28</b>
<i>Site location</i>	<b>Paradise Fields</b>
<i>Area (Ha)</i>	<b>1.2</b>
<i>Net Capacity</i>	<b>70</b>
<i>Planning requirements</i>	<b>Residential scheme to be planned comprehensively with Proposals C5 and L11. Around 33% of the total number of units should be affordable housing. However, a higher proportion may be sought if any of the other requirements are subsequently omitted. Access arrangements to be considered in a development brief but should include access from the A414 to Hemel Hempstead General Hospital for Accident and Emergency vehicles by means of a two way signalised junction. Some housing may be required to be served from Turners Hill. Public footpaths to be retained and new link created between Turners Hill and Albion Hill. Hedgerows and trees generally to be retained and supplemented. Development Brief required. A</b>

<i>Progress</i>	<p>contribution may also be required towards the provision of additional educational facilities.</p> <p><b>P</b></p>
<p><b>(d) A new Proposal site be included in the Leisure and Tourism section of the Plan as set out below:-</b></p>	
<i>Site reference</i>	<b>L11</b>
<i>Address:</i>	<b>Paradise Fields, Hemel Hempstead</b>
<i>Area (Ha)</i>	<i>to be specified</i>
<i>Proposal:</i>	<b>New informal leisure space</b>
<i>Planning Requirement:</i>	<b>Provision of informal leisure space to be developed in conjunction with Housing Proposal H28 and provision of new link for Accident and Emergency vehicles from A414 to Hemel Hempstead Hospital. Site to be developed and managed to enhance the natural habitat and ecological quality of the area, which is designated as a Wildlife Site. Most significant areas of natural history value - both hedgerows and meadowland – should be retained. Hedgerows and trees to be retained and supplemented. Public footpaths to be retained and a new link created between Turners Hill and Albion Hill.</b>
<p><b>(e) Hemel Hempstead Open Land Strategy map, which forms part of Policy 110, to be amended to show the two central fields as Open Land.</b></p>	

**7.30. HOUSING PROPOSAL SITE H30  
FORMER HALSEY SCHOOL, POLEHANGER LANE, HEMEL HEMPSTEAD**

**Objection**

<i>Rep No</i>	<i>Name</i>
1291	CPRE - The Hertfordshire Society

**Key Issue**

- (a) Should the capacity of an elderly persons' home be included in the housing figures. (1291)

**Inspector’s Conclusion**

7.30.1. Planning permission was granted for a elderly persons home on this site in May 1996 and this has since been built. Although the home has 60 bedrooms, other facilities are communal. More importantly, it would appear that not all the residents are permanent occupants. In the light of this fact I agree that it would not be appropriate for the capacity of the home to be included in the housing figures. I, therefore, recommend that no modification should be made to the Plan in response to objection 1292.

7.30.2. However, this is another site where development has now been completed. In my view it would be sensible, therefore, for the site to be deleted as a proposal and the additional housing added to the figure for completions in Policy 17. Retention of completed proposals in the Plan when it is adopted would, in my view, not only result in the Plan appearing out of date but it is also likely to make it seem less relevant. In the circumstances, I recommend that Proposal H30 should be deleted and the figure for completions in Policy 17 amended accordingly.

**Recommendation**

7.30.3. **The Plan be modified by the deletion of Site H30 and amending the figure for completions in Policy 17 accordingly.**

**7.31. HOUSING PROPOSAL SITE H31  
T A CENTRE, QUEENSWAY, HEMEL HEMPSTEAD**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1292	CPRE - The Hertfordshire Society	4666	HCC Corporate Services Department
4186	English Partnerships	4818	The Directors of Shendish Manor Estate

**Key Issues**

- (a) Does the proposed density need to be increased. (1292)
- (b) Is the level of affordable housing sought on the site appropriate. (4186)
- (c) Should a contribution be expected towards education provision. (4666)
- (d) Would development at Shendish Manor be preferable to development on this site. (4818)

**Inspector’s Conclusions**

**(a) Density**

7.31.1. Although 35 dwellings on a site of one hectare would fall within the density range stated in paragraph 58 of PPG3, I am not satisfied that this addresses the objection. The objector seeks an increase of at least 5 dwellings on the capacity stated in the Plan. More importantly PPG3 makes clear that its primary aim is to make the best use of land. Merely seeking to achieve a density that falls within the range of 30 to 50 dwellings per hectare is not in my view sufficient to meet this objective. What the Council should be aiming to attain is the maximum density that can be satisfactorily accommodated on the site.

7.31.2. The TA Centre at Queensway is located in an area of relatively high density housing close to the town centre. It lies on a main bus route with a regular half-hourly service. Another service provides a connection to the main employment area of the town at the Maylands Industrial Estate. The site is within walking distance of the local school, shops and other community facilities. In the light of the advice in the third bullet point

of paragraph 58 of PPG3 I consider that the Council should be seeking to positively encourage a greater intensity of development at places like this that have good public transport accessibility.

- 7.31.3. I can see no physical reason why the site could not be developed at a higher density. Indeed, a higher density could help to make redevelopment of the site more viable. I consider, therefore, that the stated net capacity should be increased to indicate that the Council would expect a high density scheme for this site. In my view, it would be capable of accommodating at least 60 dwellings, if not more. I, therefore, recommend that the Plan should be modified to increase the capacity from 35 to 60 dwellings.

**(b) *Affordable housing***

- 7.31.4. The objector argues that it is inappropriate to set an indicative target for the site in advance of the latest HNS. However, the HNS has now been undertaken and shows a significant amount of housing need in the Borough, which is perhaps not surprising given the present level of house prices. Circular 6/98 makes clear that local plans should set indicative targets for appropriate sites. Since this site lies close to the town centre I consider that it is an eminently suitable site for affordable housing. There is no evidence that a requirement for 20 % of the units to be provided as affordable housing would render redevelopment of the site unviable. I find no justification for deleting or reducing the requirement. However, in the light of my earlier comments in paragraph 7.22.41, I think that it would be sensible for the word “around” to be inserted before the percentage figure to make clear that the target is indicative. I recommend that the Plan be modified accordingly.

**(c) *Educational provision***

- 7.31.5. The Borough Council does not consider that it is necessary to include a requirement for a contribution to educational provision in relation to this site because there is existing capacity at local schools. The County Council accepts that there is capacity at primary level although this is at Bellgate Junior and Infant School rather than George Street JMI, which is the nearest school. However, the County is concerned about the situation at secondary level. Although there is currently capacity at this level, the demand for secondary school places in Hemel Hempstead is rising. The County considers, therefore, that the capacity at first year level is likely to be fully taken up by September 2002. In the circumstances, the County considers that it would be appropriate to seek a contribution in relation to this development.
- 7.31.6. It is unclear as to exactly when this site is likely to come forward as it appears from the evidence that the consideration of this site is at an early stage. It is possible therefore that by the time planning permission is sought for the development the existing education system in Hemel Hempstead will have reached capacity at secondary level. In these circumstances, I consider it would not be unreasonable for the Council to seek a contribution towards educational provision where it is clear that the development would place greater strain on the system. However, the position is still unclear at this stage. It seems to me therefore that the most sensible approach would be to amend the requirements to highlight the possibility that a contribution may be required and I recommend the Plan should be modified accordingly.

**(d) Land at Shendish**

7.31.7. As this site constitutes previously developed and under-used land within the existing urban area, I consider that it is eminently suitable for development, particularly in view of its high level of accessibility. There is no evidence that the site is unlikely to be available during the Plan period. In the circumstances, I can see no reason why the development of greenfield land at Shendish should be preferred. I recommend that no modification should be made to the Plan in response to objection 4818.

**Recommendation**

7.31.8. **The Plan be modified by amending Proposal H31 as follows:-**

- (a) increase the net capacity to 60;**
- (b) insert the word ‘Around’ before the figure “20%” in the requirements;**
- (c) add an additional requirement in relation to educational provision along the following lines:-**

**“A contribution towards additional educational provision may be required.”**

**7.32. HOUSING PROPOSAL SITE H32  
LAND SOUTH OF REDBOURN ROAD, HEMEL HEMPSTEAD**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1293	CPRE - The Hertfordshire Society	4667*	HCC Corporate Services Department
1536	The Crown Estate	4819	The Directors of Shendish Manor Estate
3087	St Albans District Council		

**Support**

1477 HCC Environment Department

**Support for pre-inquiry changes**

For pre-Inquiry Change 41  
5785PC The Crown Estate

**Key Issues**

- (a) Should the proposed density of development be increased. (1293)
- (b) Is it necessary for reference to be made to off-site highway improvements. (1536)
- (c) Should the target figure for affordable housing be reduced. (1536)
- (d) Is it appropriate for the requirements to refer to the need for this development to be planned together with land within St Albans District. (3087)
- (e) Should a contribution be sought for additional educational provision. (4667)
- (f) Would Shendish Manor be a better location for housing than this site. (4819)

## Inspector’s Conclusions

### (a) *Density*

- 7.32.1. The Council acknowledges in its rebuttal (*LPA Doc. No. 518*) that increasing densities is an important issue. However, with the exception of the proposed change to TWA3, they do not appear to have taken any active steps to encourage a higher density of development on any of the Housing Proposal sites.
- 7.32.2. Although the net capacity shown in the Plan is only 25 dwellings, table 6 of the Supplement to Housing and Affordable Housing Technical Reports (CD57B) indicates that the “net site density”, using the methodology set out in Annex C of PPG3, would be 31 dwellings per hectare. This would fall within the density range specified in paragraph 58 of PPG3. However, this calculation is based on some 0.2 hectares (i.e. 1/5th) of the site being set aside for landscaping, which the Council argues is necessary in order to create a soft edge between the urban area and the Green Belt.
- 7.32.3. It appears that this assessment may have overlooked the fact that the requirements also envisage that the development of the site would be planned with land in St. Albans District to the east. If H32 is developed conjointly with the land to the east, there would be no need for the creation of a soft edge to the Green Belt within that part of the land that falls within Dacorum as it would be surrounded on all sides by built development. Even if the land to the east remained in the Green Belt there would be nothing to prevent the necessary buffer planting taking place on that land. I am not satisfied, therefore, that the method by which the Council has calculated the net density is entirely appropriate.
- 7.32.4. Even if the requirement that a significant part of the site should be retained for landscaping was justified, I do not consider that this would warrant maintaining a net capacity of only 25 dwellings. It is clear that even with one fifth of the site set aside for landscaping, the “net site density” would still fall at the very bottom of the range recommended in PPG3. Although the site lies on the edge of the urban area it is not unduly prominent. I consider, therefore, that there is considerable scope for the proposed capacity to be increased without any harm being caused to the character of the adjoining countryside.
- 7.32.5. While the exact number of dwellings that the site would be able to accommodate cannot be predicted at this stage, I consider that the Council’s approach is too cautious. Judging from what I saw of the site, I do not consider it would be unreasonable for the net capacity to be increased by 5 dwellings as requested by the objector. In my view this would be a more effective signal to any potential developer that the Council intends to ensure that the best use is made of the land in accordance with the aims of PPG3. I, therefore, recommend that the Plan should be modified by increasing the net capacity of Site H32 to 30 dwellings in answer to objection 1293.

### (b) *Highway improvements*

- 7.32.6. The Council accepts that the highway improvements at North East Hemel Hempstead do not relate directly to the development of this site. In any case it appears that they now consider that H32 is better related to the existing Hunters Oak development to the

west. Consequently, they propose under PIC41 to delete the reference to these improvements in respect of the requirements for the land south of Redbourn Road.

- 7.32.7. There is no evidence that the off-site highway improvements, which are planned in conjunction with the development of the land at North East Hemel Hempstead, would need to be implemented before development of the land to the south of Redbourn Road could be considered. In the circumstances, I can see no need for them to be referred to in the planning requirements for H32. I therefore endorse the proposed change and recommend that the Plan should be modified in accordance with PIC41, in so far as it relates to the deletion of the reference to off-site highway improvements.

**(c) Affordable housing**

- 7.32.8. The objector originally argued that the requirements should refer to an indicative target of at least 20% of the units being provided as affordable dwellings. However, in the subsequent written representations (*O/1536 and 5785/1*) the alternative wording put forward by the objector omits any reference to a specific target figure. The Council maintains that a target of 30% of the units being provided as affordable housing is entirely fitting.
- 7.32.9. In the light of the findings of the 1998 HNS (CD82) and paragraph 9(b) of Circular 6/98, I consider that it is appropriate for the DBLP to set indicative targets for specific suitable sites. Although this site is on the periphery of the built-up area of Hemel Hempstead it lies close to a bus route, which has a reasonably frequent service, and is also not far from the nearest school and the local centre at Woodhall Farm. In the circumstances, I consider that it would be a suitable location for affordable housing.
- 7.32.10. There is no indication that a target of 30% of the housing being affordable would be likely to undermine the viability of the development. It is also clear that even if all the indicative targets in the Plan were achieved this would not be sufficient to meet either current or expected housing need. I am not satisfied, therefore, that there is any justification for deleting or reducing the target figure. However, in order to be consistent with the changes I have already recommended in respect of other Proposal Sites I consider that the word ‘around’ should be inserted before the percentage figure to make clear that the target is an indicative one. I recommend, therefore, that the Plan should be modified by adding the word ‘around’ to the requirements for Housing Proposal Site H32.
- 7.32.11. I have taken into account the other amendments that are sought to the requirements for H32 under objection 1536. I deal with the relationship of the development of this site to the adjoining land in St. Albans under issue (d) below. As for the other matters I note that PIC41 already refers to the provision of pedestrian and cycle links, which I support. I see no need for the reference to such links to be limited to those connecting the site to the land at North East Hemel Hempstead. The suggested reference to contributions to off-site infrastructure being fairly and reasonably related in scale to the development is in my view unacceptably vague. It adds nothing to the advice in Circular 1/97, which is already referred to in paragraph 6.14 of the Plan. I am not satisfied, therefore, that the other proposed amendments would constitute an improvement to the Plan.

**(d) Land in St. Albans District**

- 7.32.12. St Albans District Council points out that the land to the east of H32 still forms part of the Green Belt and that its current status will not be considered until the next St. Albans Local Plan Review. It considers that the requirements imply that the land within St. Albans District should be removed from the Green Belt. In its view the Plan should make no reference to the land within St. Albans District. Dacorum Borough Council on the other hand argues that as the two areas are part of one field it makes sense for the requirements to highlight the need for the development of one part of the land not to have an adverse affect on the other.
- 7.32.13. There is currently no physical feature marking the boundary between the two districts where it crosses the field to the south of the Redbourn Road. Consequently, there is nothing marking the boundary of the Green Belt in this location. I accept therefore that the development of H32 would have an impact on the land within St. Albans District and this clearly needs to be taken into account. I understand St. Albans District Council’s concern that the Dacorum Borough Local Plan should not prejudice any decision in respect of land within their District. However, in my view, it would be nonsensical for the DBLP to completely disregard the fact that the other half of the field lies within an adjoining District.
- 7.32.14. Although St. Albans argues that the current wording implies that the land will be removed from the Green Belt I am not satisfied that this is the case. The DBLP merely requires that the development of H32 should be planned with the land to the east. This does not mean that the land to the east would have to be built on. The requirement could be just as effectively met if it was planned to use the adjoining land for open space and landscaping. Clearly this would not prejudice its Green Belt status. I see no need therefore for the requirements to be amended in response to this objection.
- 7.32.15. I have considered the alternative suggestion of The Crown Estate that the wording should be amended to state that development of H32 should not prejudice the development of land within St. Albans District. However, I do not consider that this really adds anything of value. Indeed, the alternative wording could, in my view, be seen to imply that the adjoining land should be released from the Green Belt, which at present is far from a certainty. I recommend, therefore that no modification should be made to the Plan in response to objection 3087.
- 7.32.16. Having said this I consider that in the light of the advice of PPG3 and the uncertainty regarding the future status of the land within St. Albans District it would make more sense for H32 to be relocated to Part II of the Schedule of Housing Proposal Sites. Not only would this ensure that the site would not be brought forward for development before previously developed land within the urban area, but it would also facilitate development being sensibly planned with the land to the east as the future of the latter should be clearer by 2006. I, therefore, recommend that the Plan be modified by relocating Site H32 to Part II of the Schedule of Housing Proposal Sites.

**(e) Educational provision**

- 7.32.17. The County Council again argues that provision should be made for a contribution towards educational facilities. The Borough Council concedes this and proposes under PIC41 to amend the requirements accordingly.

7.32.18. It is not clear from the representations whether or not the schools in the area are currently at capacity. However, judging from the original representation it would appear that the County considers that demand arising from this site will exceed capacity and that a contribution will therefore be required. I find no reason to disbelieve this. In the circumstances, I support the proposed change. However, the wording should be amended slightly in order to ensure consistency with the modifications I have recommended to other housing proposals.

**(f) Land at Shendish**

7.32.19. Although H32 is a greenfield site on the periphery of the town, I consider that it would constitute a logical rounding off of the built up area. While it would be some distance from a station it would be close to a main bus route and to other local facilities. As such I am satisfied that it would be a sustainable location for housing. In my view development of the land at Shendish would be far more intrusive in view of its substantial scale and its prominent location on the slopes of the Gade Valley.

7.32.20. While the requirements state that development of this site should be planned with land to the east I see no reason why the current status of the adjoining land would prevent the objection site coming forward for development during the Plan period as it could if necessary be developed separately. I am not satisfied, therefore, that the development of land at Shendish Manor would be preferable to the development of the land south of Redbourn Road. Consequently, I recommend that no modification should be made to the Plan in the light of objection 4819.

**Recommendation**

7.32.21. **The Plan be modified by amending Proposal H32 as follows:-**

- (a) increase the net capacity to 30;**
- (b) insert the word ‘around’ before the figure of “30%” in the requirements;**
- (c) amend the requirements in accordance with PIC41, subject to the deletion of the last sentence of the proposed change and the insertion instead of the following words:-**

**“A contribution towards the provision of additional educational facilities will be required.”**

**7.33. HOUSING PROPOSAL SITE H34  
LAND AT WEST HEMEL HEMPSTEAD (PHASE 1)**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
369	Great Gaddesden Parish Council	2521	P A Bray
1240	The Chiltern Society	2525	Mr J N Fernandes
1294	CPRE - The Hertfordshire Society	2529	Mrs D Harris

1799	Water End & Upper Gade Valley Conservation Society	2533	Mr & Mrs C J Shirley
1823	Wilcon Development Group Ltd	2357	Mr D Gibbs
1947	Taywood Homes Ltd	2541	K C Redman
1999	Mr Peter Lai	2545	Jan Haydon
2004	Mrs K Warden	2564	The Boxmoor Trust
2009	Mr & Mrs J Dempsey	2584	Mrs Moxon
2013	Mr J Williams	2588	Mr J Grindrod
2017	Mr D Norman	2592	Mr & Mrs P Marsh-Hilfiker
2021	Mrs J Williams	2596	Mr & Mrs H Beck
2025	K & C Woods	2600	Mr J D Mowll
2030	Mr & Mrs A Cook	2604	Mr & Mrs K R T Wise
2034	E & P Moran	2608	Mrs V Lowde
2038	Mr & Mrs M Norman	2611	Mrs A Callaghan
2042	Mrs D Harding	2615	Mr & Mrs Copperwhite
2049	L Jackson	2619	D Maher
2053	Carolyn Knowles	2623	Mrs J Clark
2057	Gillian Knowles	2627	J Kane
2061	Janice Marshall	2631	Mr A Murdock
2066	Mr J A Sherratt	2635	Sarah Murdock
2070	Mrs J Durrant	2639	Mrs J Murdock
2074	Mr M Cambell	2643	Mrs D M Brown
2079	Mr David W Jones	2647	Ronald & Jennifer Taylor
2082	Mrs D M Pellegrini	2651	Mr & Mrs C D Greenbank
2086	Mr T Thompson	2655	Mr A R Cator
2090	Mr M J Dallender	2659	Ms Louise Hollands
2094	Mr J Russell	2663	Mr & Mrs A Nord
2098	Jill Fearon	2667	Mr & Mrs W Randall
2102	Mrs M Doggett	2671	D J Holdsworth
2106	Mrs P J Campbell	2675	Mr P Blake
2112	B J Harding	2679	Mrs S Walpole
2116	Mr & Mrs Hexter	2683	Mr & Mrs P P Bandy
2180	Mr David Warden	2697	A & B Holder
2184	Mrs Frances Kelly	2701	Mr S J Wilson
2188	Mrs Anne Lamb	2704	P J McIntosh
2192	Mr & Mrs T & J Sheehan	2707	Mrs Alison Lancaster
2196	Mr & Mrs A P Lee	2711	Mr & Mrs D C & K D Hoath
2204	Mr P Tompkins	2715	Mr Tony Humphrey
2208	Mrs L Townsend	2719	Mr S Titford
2212	Mr & Mrs N Crawshaw	2722	Hazin Albayati
2216	Mr G Smith	2726	Mrs D White
2220	Mr R I Duke	2730	Mr John Acs
2224	Mr E Osterman	2734	Mrs L Patterson
2228	Ms Alison Kitchener	2739	Mrs C Levene
2232	Mr Paul Gibbons	2743	Mr & Mrs M Pearson
2236	Mr & Dr J Boucher	2747	Mr & Mrs M Southwood
2240	Mrs Susan Bourne	2751	B M Dale
2244	W M Ridley	2755	T Ward
2248	Javeda Jafri	2763	I D Cutler
2252	D S Coase	2767	D W Millington
2256	Miss A Callinan	2771	Mr F R Borrás
2260	Mr Peter Cooper	2777	Mr T Mooney
2265	Mrs I G Futers	2781	Sally Prue
2269	Mr Kenneth J Carbin	2785	Mr Duncan Worrell
2273	Mr & Mrs M V & J L Smith	2790	Mrs M Edwards
2277	Mr B Lamb	2794	Mrs J Worker
2281	Mr & Mrs Timberlake	2798	Mr C D Burgess
2286	Mr John W D Marwick	2802	Mr & Mrs S Watson
2290	Mr & Mrs R Austin	2806	Mr N J Dyke
2294	Ms G Norman Podmore	2810	Friends of Shrubhill Common
2302	J M Currell	2816	Mr & Mrs Pearce
2306	Mr & Mrs Smith	2821	Mr Christopher Halls
2310	Mr R Towell	2827	G P Dickens
2314	Mr & Mrs Hickman	2831	Mr & Mrs S Taylor
2318	A & G Leeds	2836	J A Moxon
2322	R Williams	2994	Mr & Mrs D Brasier
2327	Mrs D Geere	3003	Mr & Mrs B J Edwards
2331	Mrs S Littlechild	3875	Mr & Mrs D Wilson
2335	The Executors of the late Mr I Chamberlain	3880	Mrs W E Weatherley
2340	Mrs K Worrell	3884	Mr Robert Adams
2345	Mr M Wilson	3888	Ms Shirley Green
2349	Mr & Mrs T H Williamson	3892	Mrs D Osborne
2353	Ms Diana Lai	3896	Mr & Mrs Kelly
2358	Mr G Edwards	3900	Mr A Hiron
2363	Mr J Selkirk	3904	Mr & Mrs Stonehouse
2370	Mr Brian Worrell	3908	Mr A R H Brett
2375	Mr & Mrs D I & M Stewart	3912	Mr E Gill

2379	Mr & Mrs P J Taylor	3916	C M Purkis
2383	Mrs A J Chamberlain	3920	Mr & Mrs John Harris
2387	Mrs A Shackelford	3924	Ms Michelle Reynard
2391	Mr & Mrs J Flanders	3928	Mr M Reynard
2395	A J Ward	3932	Mrs S Reynard
2399	Mrs E Moores	3935	Mr & Mrs C Smith
2405	Mr Dean Matthews	3939	Mr & Mrs J Laxon
2409	Ms Kay Munjic	3943	Miss M Austin
2413	Mr S R Macklin	3951	Mr & Mrs M J Patel
2417	Mr G Digby	3955	Mr H G Banister
2421	S H Rickard	3959	Mr Craig Banister
2425	Sylvia Davidson	3963	Ms Lisa Banister
2429	Mr G Anderson	3971	Mr B Humphrey
2433	Mrs M A Davies	3975	Mr J R Ward
2437	Karen Moody	3979	Mrs N Dean
2441	Mrs Shepherd	3983	Mrs J Foy
2445	Mr R Prue	3987	Mr & Mrs E & J Codling
2449	Mrs s McClellan	4062	HCC Environment Department
2453	Wendy Stanley	4097	Lucas Aerospace
2458	Mr S F James	4138	A J Patterson
2462	Mrs J Y J James	4146	Mrs Moxon
2466	Mr S Sheppard	4150	Mr & Mrs T Dukes
2470	P & G Silver	4187	English Partnerships
2475	Mrs J Whelan	4205	Hemel Hempstead Open Spaces Society
2479	Mrs J Rowe	4216	Mr J Rowe
2483	Air Cdre & Mrs N & S James	4668*	HCC Corporate Services Department
2487	Mr & Mrs C Clifton	4748	Mr & Mrs Harvey
2491	Mr J Holm	4820	The Directors of Shendish Manor
2495	Mr S T West	4836	Mr P Deacon
2500	Mr R Fuell	4898L	Mr A Tombs
2504	Mrs E Boyle	4906L	R D Cummins
2508	P & G Taylor	4922L	Mrs A Evans
2512	Mrs J Jeffrey	5155	Mr Tony McWalter
2516	Mrs E Coase		

### Counter-Objection

To pre-Inquiry Change 42

5321PC      Wilcon Development Group Ltd

### Supports

1478      HCC Environment Department      2298      Miss V R Day

## KEY ISSUES

- (a) Is the allocation of this site for housing compatible with the advice in PPG3 and the sequential approach. (2079, 2009, 2090, 2739, 3003)
- (b) Is the proposed housing needed or could the development be accommodated on brownfield sites within the urban area or by increasing site densities on other sites. (369, 1240, 1294, 1799, 1927, 1999, 2004, 2013, 2017, 2021, 2025, 2030, 2034, 2038, 2042, 2049, 2053, 2057, 2061, 2066, 2070, 2074, 2082, 2086, 2094, 2098, 2102, 2106, 2112, 2116, 2180, 2184, 2188, 2192, 2196, 2204, 2208, 2212, 2216, 2220, 2224, 2228, 2232, 2236, 2240, 2244, 2248, 2252, 2256, 2260, 2265, 2269, 2273, 2277, 2281, 2286, 2290, 2294, 2298, 2302, 2306, 2310, 2314, 2318, 2322, 2327, 2331, 2335, 2340, 2345, 2349, 2353, 2358, 2363, 2370, 2375, 2379, 2383, 2387, 2391, 2395, 2399, 2405, 2409, 2413, 2417, 2421, 2425, 2429, 2433, 2437, 2441, 2445, 2449, 2453, 2458, 2462, 2466, 2470, 2475, 2479, 2487, 2491, 2495, 2500, 2504, 2508, 2512, 2516, 2521, 2525, 2529, 2533, 2537, 2541, 2545, 2564, 2584, 2588, 2592, 2596, 2600, 2604, 2608, 2611, 2615, 2619, 2623, 2627, 2631, 2635, 2639, 2643, 2647, 2651, 2655, 2659, 2663, 2667, 2671, 2675, 2679, 2683, 2697, 2701, 2704, 2707, 2711, 2715, 2719, 2722, 2726, 2730, 2734, 2743, 2747, 2751, 2755, 2763, 2767, 2771, 2777, 2781, 2785, 2790, 2794, 2798, 2802, 2806, 2810, 2816, 2821, 2827, 2831, 2836, 2994, 3875, 3880, 3884, 3888, 3892, 3896, 3900, 3904, 3908, 3912, 3916, 3920, 3924, 3928, 3932, 3935, 3939, 3943, 3951, 3955, 3959, 3963, 3967, 3971, 3975, 3979, 3983, 3987, 4062, 4097, 4138, 4146, 4150, 4205, 4216, 4668, 4748, 4836, 4898L, 4902L, 4906L, 4922L, 5155)
- (c) Would development of the site result in an unacceptable loss of prime agricultural land. (2079, 2009, 2090, 2739, 3003)

- (d) Would it have an unacceptable visual impact, especially in view of its proximity to the Chilterns AONB and the adjoining Landscape Conservation Area. Would it have a detrimental effect on the character of the countryside. (1294, 2079, 2009, 2090, 2739, 3003)
- (e) Would it significantly reduce pedestrian and cycle access to the countryside.
- (f) Would it lead to a loss of important wildlife habitats and have a damaging effect on the Shrubhill Common Nature Reserve. Is the proposed wildlife corridor appropriately located and of sufficient width to adequately protect local wildlife. (2079, 2009, 2090, 2483, 2739, 2810, 3003)
- (g) Is it a sustainable location for housing in terms of its access to facilities. (2079, 2009, 2090, 2483, 2739, 3003)
- (h) Would the development lead to an unacceptable increase in traffic in the surrounding area. (2079, 2009, 2090, 2483, 2739, 3003)
- (i) Can the existing infrastructure accommodate the development (2079, 2009, 2090, 2739, 3003)
- (j) Is development of the site likely to increase the potential for flooding in the area. (2079, 2009, 2090, 2739, 3003)
- (k) Should H34 be included in Part I of the Housing Proposal Sites Schedule or is the proposed phasing of development at West Hemel Hempstead too inflexible. (1823, 4187, 5321PC)
- (l) Could the site accommodate a greater number of dwellings. (1823, 5321PC)
- (m) Are the proposed planning requirements appropriate. (1823, 5321PC)
- (n) Does reference need to be made to an archaeological evaluation of the site and consequential mitigation measures. (4062)
- (o) Should reference be made to the need for the developer to contribute to additional educational provision. (4668)
- (p) Would land to the east of Green Lane, Hemel Hempstead be a more appropriate location for the additional housing. (2483)
- (q) Would the development of land at Shendish be preferable on landscape and sustainability grounds (4820)

## Inspector’s Conclusions

### *General comments*

- 7.33.1. Most objectors to Housing Proposal Site H34 (West Hemel Hempstead Phase I) have also objected to the inclusion in the Plan of sites H51 and H54, which constitute Phases II and III of the same development. Together these 3 phases constitute the largest housing site proposed in the Plan, accommodating a total of 550 dwellings. Since most of the issues involved relate to all 3 sites I shall deal with the general principles of the proposed housing development at West Hemel Hempstead in this section of the report. However I address some site-specific considerations relating to H51 and H54 in sections 7.44 and 7.47 of the report. The issue of whether or not it would be appropriate to identify an area of land for development after the end of the Plan period is also dealt with in the latter section. I have already considered the Green Belt objections in section 4.36 of the report.

7.33.2. Although the majority of individual objectors are only listed under issue (b), which relates to the general principle of the need for development at West Hemel Hempstead, I appreciate that many have raised other matters. However, as these matters have been raised by other objectors, including the group of objectors who appeared at the Inquiry under the name “Friends of Field End”. I have not considered it necessary to list all the individual objectors against the other relevant issues that they have mentioned. I have, nonetheless, taken full account of their comments in considering the other issues that I have identified.

**(a) PPG3 and the sequential approach**

7.33.3. The objectors make considerable play of the fact that the Plan’s housing strategy was drawn up before the issue of the revised version of PPG3 in March 2000. However, while I accept that a full urban capacity study was not undertaken prior to the Plan being placed on deposit, in my view the Council has largely followed the aims of the sequential test set out in PPG3 in developing its housing strategy. Although I have concluded in section 7.5 that too many small greenfield sites are included in Part I of the Schedule of Housing Proposal sites, it would appear that the Council has for the most part sought to ensure that previously developed sites are brought forward before greenfield sites. Indeed the Plan identifies a significant number of brownfield sites in Part I of the Schedule of Housing Proposal Sites, including a substantial number of previous employment sites. Overall the housing strategy would ensure that during the Plan period more than 60% of new housing is built on previously developed land. I am satisfied therefore that the strategy would comply with the Government’s national land recycling target.

7.33.4. While I accept that it is possible that the urban capacity study, which is currently being undertaken by the County Council, may discover additional brownfield land within Dacorum Borough, I question whether much of this would be genuinely available for development during the Plan period. In my view, it seems reasonable to assume that in an area of constantly rising house prices that developers would already have identified most readily available land. It is also necessary to take into account the fact that the Plan’s housing strategy relies on a significant proportion of housing coming forward on unidentified sites within the urban area. All of this housing is expected to be built on previously developed land. I doubt therefore that the current study is likely to reveal that the existing urban areas of Dacorum have the capacity to accommodate significantly more housing than is already provided for in the Plan. Indeed, for the reasons I have already set out in section 7.4 of my report I consider that less housing is likely to be accommodated on unidentified sites than the Plan predicts.

7.33.5. I accept that paragraph 30 of PPG3 makes clear that the search sequence should start with previously developed land and buildings within urban areas. However, it goes on to identify the next step in the sequence as urban extensions. In my view, this is the approach that the Borough Council has adopted. The Plan proposes a number of extensions to the existing urban areas of the Borough to accommodate the additional housing in line with the aims of the adopted Structure Plan Review. The Council has generally sought to locate these extensions in areas where it should be possible to utilise existing physical and social infrastructure.

7.33.6. Although I have concerns about the level of accessibility to existing facilities in respect of some parts of the West Hemel Hempstead sites, I am not satisfied that the

decision to allocate land at West Hemel Hempstead for housing is in principle incompatible with the guidance in PPG3. Even if it were, I consider that it would be possible for this to be remedied prior to the adoption of the Plan by the Council taking into account the findings of the County Council’s urban capacity study.

- 7.33.7. In reaching this conclusion I have taken account of the conclusions of the Inspector who conducted the Inquiry into objections to Chapter 6 of the Wokingham District Local Plan. However, his view that the approach in that case did not comply with the aims of PPG3 appears to have been based on two principal factors. Firstly, the Council failed to take account of housing commitments and windfall sites and secondly the proposals were not supported by a comprehensive analysis of local housing need and how this would be met. Moreover, in that case the proposal was to effectively create a new settlement of 2,500 or more houses. Clearly, these circumstances do not apply in Dacorum where the total amount of greenfield development is not only much smaller in the area but it is dispersed over a large number of sites, all of which are on the periphery of the existing urban areas.
- 7.33.8. I have also noted the opinion of C Lockhart-Mummery QC, who recommended that the North Hertfordshire District Local Plan should be withdrawn in the light of PPG3. However, the Local Plan in that case was at a much earlier stage in the process of adoption. Moreover, the North Hertfordshire District Plan proposed the allocation of some 2,600 houses on a single greenfield site on the edge of Stevenage. In contrast, the Deposit Draft of the DBLP only proposes the allocation of some 1259 dwellings<sup>60</sup> on greenfield sites in various locations on the periphery of Hemel Hempstead, Berkhamsted and Kings Langley and Markyate. I am not satisfied, therefore, that the circumstances in either case are exactly comparable.
- 7.33.9. I appreciate that since the Inquiry North Hertfordshire District Council has withdrawn their Local Plan, despite receiving further contrary legal advice, and that the Courts have supported their action<sup>65</sup>. However, this does not alter my view that the housing strategy of the DBLP, including provision for a small number of urban extensions, does not directly conflict with the general aims of PPG1 and PPG3.

**(b) Need for housing**

- 7.33.10. Many objectors have suggested that there is sufficient capacity within the existing urban area to accommodate the required housing. However, very few have put forward alternative sites. Having heard and read all the evidence and having explored the Borough in some detail I consider that the capacity of the existing urban areas to accommodate additional housing, over and above that already provided for in the Plan, is likely to be extremely limited. Certainly I can find no evidence of any significant area of vacant or underused land that the Council has failed to take account of in developing its housing strategy.

<sup>60</sup> This figure is calculated on the basis of the total given for greenfield sites in LPA Doc.No. 164 DBC/1A, which is 1479 (1129 [Part I] + 350 [Part II]). From this I have deducted the 185 dwellings that were on sites completed by 31 March 1999 (H15[6], H19[12], H25[58], H30{102}, H38[5] and H39[2]) and the 35 dwellings that are proposed on greenfield sites within the urban area (H11 [5] and H21 [30]). Although H27 also strictly falls within the defined urban area as it lies on the edge of the town I consider that it is right to treat it as an urban extension. I note the figure in LPA Doc. No. 164 differs from that given in Table 12 of CD57. However, as the former document lists the sites individually I consider that the figures it contains are more likely to be accurate.

- 7.33.11. I note the suggestion that more use should be made of existing employment land and I appreciate that such an approach is encouraged in PPG3. However, it seems to me that the Council has already identified a significant amount of employment land for housing. They have also identified other sites under Policies 33 and TWA4 that are currently in active employment use which they consider could come forward for housing during the Plan period. For the reasons I identify in sections 8.7 and 17.16 of my report I consider that some of these sites are either unsuitable for housing or are unlikely to become available for this use. More importantly, I am concerned that there is a serious danger that allocating a greater amount of employment land for housing would have damaging consequences not only for the long term economic prosperity of the Borough but also for the sustainability of its existing settlements, particularly Hemel Hempstead. In my view, such a course of action would not only lead to pressure for the release of Green Belt land for employment purposes but could also lead to increased out-commuting.
- 7.33.12. Having said this, there is one area where I consider land currently allocated in the Plan for employment could be used for housing. This is at North East Hemel Hempstead. I have concluded in sections 7.28 and 8.15 of my report that some 3.5 hectares of Employment Proposal site E4 could be allocated for housing and open space. However, this is on the basis that the number of employment sites identified for housing under Policies 33 and TWA4 would be reduced and that Proposal site E2 would be retained for employment use. In the circumstances, I do not consider that the additional housing that may be provided at North East Hemel Hempstead would be sufficient, in itself, to warrant the deletion or significant reduction of the area of land proposed for housing at West Hemel Hempstead. Indeed, in the light of my findings in paragraphs 7.4.99 to 7.4.147 I judge that the amount of housing on greenfield sites will in fact have to be increased in order to offset the lower numbers of houses that I have concluded are likely to come forward on unidentified sites.
- 7.33.13. There is scope, in my view, for some of the identified sites to accommodate more housing than is provided for in the Plan. I accept that there would appear to be very few cases where the net density on identified greenfield sites would fall below the range set down in paragraph 58 of PPG3, based on the figures in CD57B and CD57C. Nevertheless, I consider that the net site capacities stated in the Plan are unduly cautious. My view is reinforced by the situation that has occurred at the John Dickinson site (TWA3). This was originally shown with a capacity of 260 units in the Deposit Draft. Subsequently the Council proposed under PICs 54 & 236 that this should be increased to 300. However, planning permission has since been given for 430 units on the site and the development is now almost completed.
- 7.33.14. While it is unlikely that this density could be achieved on all the identified sites, it suggests that there is considerable potential to accommodate higher housing densities. I have therefore recommended that the capacity should be increased in respect of a number of the proposed housing sites. These increases, however, would only go some way towards offsetting the lower level of housing that I consider is likely to come forward on unidentified sites during the Plan period. In the circumstances, the increases in density would not be sufficient in themselves to warrant the deletion of land at West Hemel Hempstead.

- 7.33.15. Turning to the alternative sites that have been suggested, I have found a few (e.g. the Gas Board site (TWA8) and Dundale, Tring) would be suitable for housing. However, I have also recommended that a number of sites that are currently included in the Plan should be deleted. However, when the additional sites are taken into account together with the increases in housing density and my recommendation that some of the sites proposed for deletion under the pre-inquiry changes should be retained, I consider there is scope to reconsider the allocation of land at West Hemel Hempstead. Indeed, if my recommendation in section 0 in respect of land at Marchmont Farm was adopted, I judge that sufficient housing could be provided without the need for any development at West Hemel Hempstead. In the circumstances, I would strongly urge the Council to reconsider its decision to allocate land at West Hemel Hempstead for housing in the light of my findings below, particularly in respect of the site’s visual impact and its accessibility.
- 7.33.16. In reaching this conclusion, I have taken account of the Council’s arguments regarding the logic behind its east – west dispersal strategy for new greenfield housing development in Hemel Hempstead. However, I can see no real substantive reason why development on the western side of the town is preferable in locational terms to development to the north or south of the town.

**(c) *Loss of agricultural land***

- 7.33.17. Clearly the proposed development at West Hemel Hempstead would lead to the loss of a substantial area of agricultural land (some 35.5 hectares if one includes H54 and L12). However, while Government policy seeks to discourage the use of the best and most versatile agricultural land the assessment carried out by MAFF<sup>61</sup> in 1997 apparently classified the majority of the land at West Hemel Hempstead as Grade 3b. Development of this site would therefore involve the use of poorer quality land in line with the advice in paragraph 2.17 of PPG7. Moreover, it would appear that the loss of the land would not seriously undermine the viability of Pouchen End or Fields End Farms. In the circumstances, I do not consider that the loss of agricultural land would justify the deletion of the housing proposals at West Hemel Hempstead.

**(d) *Visual impact and effect on countryside***

- 7.33.18. There is no doubt that development of the land at West Hemel Hempstead would have a visual impact, both locally and from more distant viewpoints. The question, therefore, is whether this visual impact would have harmful consequences. Turning first to the local impact, I accept that views from the houses on the Fields End Estate are limited due to the dense vegetation along the eastern boundary of H34. However, there are attractive views across the land from Long Chaulden and from the housing to the south. There are also significant views across the open rolling landscape from FP21, which runs along the northern boundary and FP91 that passes the southern edge of the area. In addition there are pleasant intermittent views of the fields from FP20 where it abuts the eastern boundary.
- 7.33.19. The proposed deletion of Phase III (H54) would reduce the visual impact from FP91, particularly if additional planting were undertaken along the southern edge of H51. However, in my view, the development of Phases I and II would still have a

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<sup>61</sup> Now DEFRA

substantial impact on the attractive views of the countryside that are currently enjoyed by people using the other footpaths.

- 7.33.20. Longer distance views of the area are obtainable from a number of locations on the southern side of the Bulbourne Valley, including from Sheethanger Common, the Hertfordshire Way at Westbrook Hay and Featherbed Lane. I accept that from these viewpoints it is the area allocated for Phase III (H54) that is the most visually prominent, owing to its location on the sloping valley side. However, although H34 and H51 would be located on the flatter slopes at the top of the valley, I consider that the housing on H51 would still be visible from most of these viewpoints, particularly Sheethanger Common. While I accept that the proposed planting along the southern boundary would eventually reduce the visual impact this would take some time to become established. Moreover, the loss of openness would still, in my view, impinge on the attractive views of the rural area that lies to the west of Hemel Hempstead.
- 7.33.21. In conclusion, I find that the development of all three phases would have a significant effect on the countryside and would clearly have a detrimental impact on local views. In terms of longer distance views, I consider that Phase III would have substantial visual impact. Subject to additional planting the development of Phases I and II would be less prominent. Nevertheless, I find these phases, particularly H51, would still have a detrimental impact on the outlook from the viewpoints to the south, owing to the length of time it would take to establish the planting and to the general loss of openness that would occur.
- 7.33.22. In reaching this conclusion, I have noted the suggestion of some objectors that since both the land at West Hemel Hempstead and land within the Chilterns AONB can be seen from Sheethanger Common the development of the former would have harmful effect on the latter. However I am not persuaded that development of the land at West Hemel Hempstead would have a damaging impact on either the AONB or its setting, owing to the distance between them. Similarly I consider that the development would have very limited impact on the adjoining Landscape Conservation Area in view of the intervening hedgerows along Pouchen End Lane and the local topography.

**(e) Access to countryside**

- 7.33.23. I have already addressed this issue in paragraphs 4.36.27-28 of my report in relation to Green Belt considerations. I accept that none of the existing footpaths would actually be closed and that new paths would be created. However, the footpaths would all pass through or alongside housing areas once the proposed development has been completed. As there are no footpaths to the west of the area and very few to the north, I consider that access to open countryside for the residents on the western side of Hemel Hempstead would be curtailed by the development of the land at West Hemel Hempstead. While the omission of H54 would ensure that FP91 continued to cross open countryside, the outlook from FPs 20 and 21 would still be significantly affected. In my view, therefore, even if only H34 and H51 were developed this would still diminish local people’s ability to enjoy the open countryside.

**(f) Impact on wildlife**

- 7.33.24. Concerns are raised by many objectors, including the Friends of Shrubhill Common (2810), about the impact of development at West Hemel Hempstead on local wildlife. Two matters in particular are referred to. These are the potential impact on the Shrubhill Common Local Nature Reserve (LNR), which lies a short distance to the south east, and the ability of the proposed landscape belts to act as wildlife corridors. However, other objectors express more general anxieties about the wildlife interest of the proposed housing site.
- 7.33.25. Turning to the latter matter first, I note that most of the fields are currently in active use for arable farming. I consider, therefore, that these areas are unlikely to be of particular nature conservation importance. Of the small areas of grassland within the development area<sup>62</sup> most have been improved and are of little interest. The only areas of semi-improved grassland are around the surface water-balancing pond adjacent to Long Chaulden and a thin strip at the northern end of L12. However, only the latter appears to contain a significant variety of species. There is no reason in my view why this small area could not be retained within the proposed open space. Much of the area by the balancing pond could similarly be retained within open space.
- 7.33.26. Far more important are the hedgerows and the trees on the site, including the small copse adjoining Long Chaulden. Judging from the broad mix of species within the hedgerows and the presence of woodland ground flora, these hedges are long established. Although there are some gaps, notably in the hedge between H34 and H51, these hedgerows and the mature trees within them form important features both in landscape terms and as wildlife reservoirs. The Plan, however, seeks to retain both the hedgerows and the copse and except for small sections that may have to be removed for the access roads I see no reason why this should not be achievable.
- 7.33.27. The ecological survey of the area, which was undertaken on behalf of Wilcon Development Group Ltd between March 1998 and January 2000, identified two outlier badger setts both of which appeared to be in sporadic use throughout the survey period. Evidence was also found of badger paths, dung pits and foraging activity. However, the majority of this activity appears to be concentrated in or around the existing hedgerows and there is little evidence that the badgers make significant use of the open areas of the site. Evidence of other mammals was also found but these were generally common species. Most of the bird species seen were common farmland birds, which would be present throughout the rural area. However, there is evidence that skylarks use the fields within the development area for breeding and feeding.
- 7.33.28. Providing the existing hedgerows are retained with a sufficient margin of ground flora I see no reason why the site should not continue to support the presence of many of the mammals and birds that currently visit or pass through the area, including the badgers. There is no doubt, however, that the development would result in the loss of habitat for skylarks. In view of the fact that this is a declining species and is the subject of both national and local action plans I consider that this would be regrettable. However, I do not consider that, by itself, it would justify deleting the housing proposals at West Hemel Hempstead.

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This includes H34, H51, H54 and L12.

- 7.33.29. In my view the impact of the development on Shrubhill Common LNR would be much less than people fear. Long Chaulden and the adjoining adventure playground and car park already form a substantial barrier. Moreover, it would appear that the significant nature conservation interest of the LNR arises from the areas of limestone grassland within it and the invertebrates that these support. Since it appears that there are no similar areas of grassland in the adjoining countryside to the north or west it is unlikely that the rarer species present in the LNR currently use the land at West Hemel Hempstead to access the adjoining countryside.
- 7.33.30. I have no doubt that there is some movement of commoner species, such as badgers and foxes, between the LNR and the open countryside to the north west. However, providing the existing hedgerows are retained and appropriate provision is made in the design of the new roads for such movements, I see no reason why these should not continue. There is no evidence that development of the land at West Hemel Hempstead would have an impact on the hydrology of the LNR. In the circumstances, I find that the proposed development of land at West Hemel Hempstead would be likely to have very little impact on the nature conservation interest of the Shrubhill Common LNR.
- 7.33.31. Finally, I have noted the concerns raised about the width and location of the proposed wildlife corridors. Although linear features like hedgerows and ditches form important routes for the movement of wildlife there is no evidence that such features need to be of a specified width to be effective. Providing the hedgerows and the associated ground flora are retained and no obstruction or barriers are erected I can see no reason why they should not continue to function effectively as wildlife corridors on the basis of the widths shown in the master plan. Care will obviously need to be taken in respect of the siting of the dwellings, footpaths and any lighting to minimise potential disturbance to wildlife but I see no reason why this could not be achieved.
- 7.33.32. In terms of the location of the main area of open space, I appreciate that the proposed strip of open space within the main housing area would run across the contours rather than up the dry valley between H34 and H51 as was originally proposed by the Council. However, in the light of my findings in the previous paragraphs I do not consider that this would have a detrimental impact on wildlife, since the existing hedgerow between H34 and H51 should continue to function effectively as a north-south corridor. There could be some loss of wildlife interest if the remaining area adjacent Pouchen End Lane was used intensively for organised recreational activities but I consider that this could probably be avoided if careful attention was paid to the design and layout of the area and to its subsequent management.
- 7.33.33. I am far more concerned about the landscape implications of the siting of the proposed open space. I can understand the Council’s desire to achieve dense planting along the southern edge of H51, in order to screen it from across the other side of the valley. The strip of open space across the site would also provide access to the larger area of open space adjacent Pouchen End Lane. However, in my view these aims could be achieved without the need for such a wide strip of open space in this location. Moreover, running a wide band of open space across the contour would be out of keeping with the general landscape framework of Hemel Hempstead.
- 7.33.34. Since the days of the New Town Master Plan the network of open space in the town has tended to follow the dry valleys. A clear example of this is the open space that

runs up from Shrubhill Common through the existing Fields End Estate. In my opinion, the Council’s original proposal to seek a wide strip of open space along the dry valley between H34 and H51 would be far more consistent with the existing landscape framework. It would also have the benefit of being able to use the existing mature hedgerow to provide structure to the open space. The hedgerow that flanks the section of L12 that crosses the site is a much weaker feature both in landscape and nature conservation terms. I consider, therefore, that in landscape terms the Council’s original proposals were a far more sensible option for structural landscaping.

- 7.33.35. In conclusion, I find that apart from the impact on the local skylark population the effect of the development of this site on wildlife is likely to be limited. While the loss of habitat for skylarks is clearly regrettable I do not consider that on its own this would justify omitting the proposal for housing at West Hemel Hempstead. Providing the existing hedgerows are retained together with their associated ground flora as part of the open space framework of the site, I am satisfied that they should continue to provide effective wildlife corridors. I do not consider that the provision of a band of open space across the site would have a significant impact on wildlife but I think it would be out of keeping with the general landscape framework of the town. I would recommend therefore that the Council should reconsider its strategy for the structural landscaping of the development area at West Hemel Hempstead should they decide to proceed with Housing Proposals H34 and H51.

**(g) *Sustainability and access to facilities***

- 7.33.36. I have already raised concerns about the accessibility of the land at West Hemel Hempstead in paragraphs 4.36.35-45 of my report. For the reasons I set out there I consider that the Council’s assessment of the sustainability of the site, particularly H51, is questionable. I accept that a reasonable bus service could be provided to the site. However, the distance from local shops, schools and health facilities would, in my view, be likely to lead to a much greater use of the car by future residents than for many of the other greenfield housing sites that are proposed in the Plan. I am also concerned that the considerable distance to the nearest major supermarket and to the closest inter-denominational secondary school<sup>63</sup> would be likely to lead to longer car journeys being made. This would not be so material if the proposed site was a small one but even with the omission of H54, West Hemel Hempstead would constitute the largest housing site proposed in the Plan. In my view the lack of an easily accessible major supermarket could lead to pressure for one to be built on the western side of Hemel Hempstead. In the absence of suitable brownfield sites this could necessitate further loss of greenfield/Green Belt land.
- 7.33.37. I appreciate that H34 and H54 would be closer to local schools and shops. However, I consider that this benefit is outweighed in respect of H54 by its substantial visual impact. While H34 would have much less impact on the countryside and Green Belt, it is clear that without H51 it is unlikely to be feasible for existing bus services to be re-routed through the site. The creation of a temporary link road to serve Phase I would, in my view, be impractical. Overall therefore I believe that the accessibility of

<sup>63</sup> Although John F Kennedy Secondary School lies close to the area in Hollybush Lane this is a Roman Catholic school. The nearest interdenominational secondary school is Cavendish School, which is some 1.5 kilometres from the site.

West Hemel Hempstead is generally poor and that consequently its sustainability as a housing site is far lower than the Council’s assessment indicates.

**(h) Traffic**

7.33.38. The Highway Authority originally argued that even with some improvements to existing junctions the local road network could only cope with some 450-500 additional homes at West Hemel Hempstead. It subsequently conceded that some 550 to 600 dwellings could be safely accommodated at West Hemel Hempstead subject to following improvements being made:-

- The construction of a new roundabout on Long Chaulden;
- Small scale improvements at Warners End Road/Long Chaulden/Northridge Way double mini-roundabouts and the Warners End Road/Leighton Buzzard Road roundabout;
- A traffic management/calming scheme along the length of Long Chaulden and other roads in the vicinity;
- Improvements to bus stop facilities, the provision or diversion of bus services into the site and the creation of a bus only loop between The Avenue and Long Chaulden, with a more convoluted loop road for other vehicles;
- The promotion of bus usage through fare subsidies;
- Improvements to pedestrian and cycle links.
- Improvements to the mini roundabouts at Boxted/Galley Hill and Northridge Way/Long Chaulden and the Northridge Way/St Johns Road/Fishery Road roundabout.

7.33.39. The objectors doubt the accuracy of the some of the Highway Authority’s assumptions. In particular they question the projected split of traffic flows at the Northridge Way/Fishery Road roundabout. In their view the Fishery Road/London Road junction is unlikely to be able to cope with the additional traffic generated by the development. Concerns are also raised about the overall level of traffic generation; the greater potential for accidents; the diversion of existing bus services and the increased likelihood of “rat-running” occurring on other roads, especially Green End Lane.

**Traffic generation**

7.33.40. Turning first to the issue of the overall level of traffic generation, I note that there is some disagreement between the Highway Authority and Wilcon Development Group Ltd regarding the appropriate method for estimating the level of traffic that the development is likely to generate. The Highway Authority argues that the 85<sup>th</sup> percentile<sup>64</sup> combined trip rate per unit would be 0.95 for the a.m. peak and 0.94 for the p.m. peak. This is based on using traffic generation data for similar residential sites that is included on the TRICS database<sup>64</sup>. It also assumes that 80% of movements would take place by car and 20% by other modes (walking, cycling, bus etc), as surveys have identified this as being the typical modal split<sup>64</sup> for residential developments elsewhere in the County.

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<sup>64</sup> See glossary for explanation of these terms

- 7.33.41. Wilcon Development Group Ltd argues that the Highway Authority’s trip generation figures are an overestimate of likely traffic levels. In their view the use of the 85<sup>th</sup> percentile is questionable and the conflation of departures and arrivals to obtain a combined trip rate is inappropriate. They also question the reliability of the TRICS figures, which are based on a small sample of sites, and contend that they do not take account of the high proportion of affordable housing that is proposed at West Hemel Hempstead. In addition, they point out that the figures are higher than the existing traffic generation levels for The Avenue and query the use of a median growth rate.
- 7.33.42. Although I can understand the reasons why the developers question the Highway Authority’s figures, in looking at housing allocations at the Local Plan stage I consider that it is entirely appropriate to take a robust approach to the assessment of traffic generation. To do otherwise could in my view lead to subsequent problems which it might not be possible to adequately address at the planning application stage. In the circumstances, I find that the use of a “comparison method”<sup>64</sup> of assessment is likely to provide a more accurate estimate than the method, which Wilcon Development Group Limited have used.
- 7.33.43. Similarly I deem that the use of an 85% figure provides a more robust approach than using a simple average, since the latter could potentially be exceeded 50% of the time. I note the suggestion that this approach fails to take into account the changes introduced by PPG13, but I am not satisfied that these changes are sufficient reason to abandon the use of the 85%. While I appreciate that the conflation of arrivals and departures might lead to higher trip figures than if they were assessed separately I am not persuaded that such an approach is so unreliable as to warrant rejecting the Highway Authority’s figures.
- 7.33.44. I note the view the view that the high proportion of affordable housing would lead to lower trip generation levels but I am not satisfied that there can be any certainty of this, particularly bearing in mind the distance from the site to local facilities. As for the lower level of trips from The Avenue, I do not find this surprising given its closer relationship to local schools. The use of a median growth rate for assessing future traffic levels is in my opinion sensible as it is too early to predict how successful changes in transport and tax policy are likely to be in reducing the current rate of traffic growth.
- 7.33.45. In the circumstances, I find that the Highway Authority’s projected trip levels constitute a more robust assessment of the likely traffic generation in respect of development at West Hemel Hempstead. Indeed, in the light of my findings regarding the accessibility of the site, I consider that they may well be an under-estimate of actual trip levels. In view of the distance to local facilities, it seems to me that the modal split for this site could be lower than the average for other residential sites in the County. The lack of separate bus lanes on the surrounding road network is likely to mean that journey times using public transport would be no better than by private car. In my opinion, this is likely to discourage future occupiers from making significant use of public transport as an alternative.
- 7.33.46. Based on the Highway Authority’s trip levels the development of H34 for 150 dwellings, as proposed in the Plan, would generate some 142 additional vehicular movements in the morning peak and 141 movements in the evening peak. It is clear that even this increase would necessitate some improvements to existing junctions,

notably at Northridge Way/Boxted Road mini-roundabout, the Leighton Buzzard Road/Queensway/Warner End roundabout and the Northridge Way/Long Chaulden mini-roundabout. However, subject to these changes being implemented I find no reason to conclude that the road network would be unable to safely accommodate the additional traffic from the development of H34.

- 7.33.47. I am far more concerned about the situation if H51 was also developed. Overall traffic levels would increase by 427 additional movements in the morning peak and 423 movements in the evening peak. This would constitute a very substantial increase in traffic on the surrounding road network. Although it would appear that subject to improvement most of the existing junctions would continue to function within design parameters it is apparent from the ARCADY<sup>64</sup> assessments that have been undertaken that there would be an increase in the ratio of flow to capacity (RFC)<sup>64</sup> at some of the junctions with a consequential rise in queuing. The situation would be even worse if the density of the development was increased and Phase III also went ahead.
- 7.33.48. I am particularly concerned about the Northridge Way/Fishery Road roundabout. The figures in Appendix C of LPA Doc. No. 468 indicate that in 2011 the RFC at the a.m. peak on the Northridge Way arm would be 0.87 (with a queue length of 6 vehicles). The figures in Table SA3.1 of O/5323/PC/6 & 6A show that following the development of 600 houses at West Hemel Hempstead the RFC would have increased to 0.96 (with a queue length of 15 vehicles) even after the junction had been improved. It is clear, therefore, that while the capacity of the junction would not be exceeded there would be increased levels of queuing occurring at this point in the road network.
- 7.33.49. I also have doubts about the capacity of the Queensway – Leighton Buzzard roundabout to cope with the additional traffic. The figures supplied by Wilcon Development Ltd indicate that following development of 600 houses at West Hemel Hempstead and improvement to this junction, the RFC at the a.m. peak on the Warners End Road arm would be 1.07 (with a queue length of 64 vehicles). It is clear therefore that even with the proposed improvement the capacity of the junction would be exceeded and there would be serious queuing and delays at this junction following the development of the whole of West Hemel Hempstead. I appreciate that the situation in 2011 would be even worse if no development took place and the junction was not improved<sup>65</sup>. However, this does not reduce my concern about the impact of the development on the operation of this junction, particularly as it is not clear as to whether scope would remain following the proposed improvement to carry out further alterations to enable the junction to operate within capacity.

#### ***Fishery Road/London Road junction***

- 7.33.50. As for the Fishery Road/London Road junction I have some difficulty in accepting the Highway Authority’s assertion that there would be no significant impact on the operation of this junction. I appreciate that the figures it produced during the Inquiry would suggest that the maximum increase in movements at this junction, as a result of the development of 600 houses at West Hemel Hempstead, would be only 3.8%<sup>66</sup>, which would be well within the guidance figure given in PPG13. However, it appears

<sup>65</sup> Appendix C in LPA Doc. No.468 indicates that the RFC would be 1.11 (with a queue length of 72 vehicles)

<sup>66</sup> See LPA Doc. No. 586

that this figure may have been influenced by unrealistic assumptions as to the traffic split that would occur at the Fishery Road/Northridge Way junction.

- 7.33.51. If the development traffic at this junction was to split in similar proportions to the other traffic using this junction it would be likely to lead to around 50 additional vehicles travelling south on Fishery Road rather than 20 as indicated on the Council’s diagram. This could potentially lead to a 5.6% increase in traffic at the Fishery Road/London Road junction in 2006 and an even greater increase in 2011. I am therefore, concerned about whether this junction would continue to function effectively if the land at West Hemel Hempstead was developed for 600 houses. There is also a danger, in my view, that increased delays at this point could have an adverse effect on the operation of the main railway station, bearing in mind its proximity to this junction.

***Accidents***

- 7.33.52. Turning to the question of accidents I accept that there is little evidence to suggest that there is a direct correlation between the increase in traffic flow and accident rates. However, although rates on surrounding roads have fluctuated over the years it is clear that during the latter half of the period between 1989 and 1998 accidents in Long Chaulden and Boxted Road have increased significantly<sup>67</sup>. In the absence of more detailed evidence it is impossible to determine the reasons for this. Nevertheless, the size of the increase particularly on Long Chaulden should, in my view, be a cause for concern. However, I have no reason to believe that the additional traffic calming and junction improvements that are proposed, together with the improvements that have recently been undertaken, would be insufficient to ensure an acceptable level of safety could be maintained on the surrounding road network.

***Diversion of bus services and increased modal split***

- 7.33.53. Although the Highway Authority has accepted that 600 houses could be developed at West Hemel Hempstead, even for 450 houses they consider a greater peak hour modal split towards walking/cycling and passenger transport will need to be achieved in order to avoid capacity problems on the local road network. In the light of the distance to the nearest local facilities and the topography of the area, I consider it unlikely that there would be a significant increase in the levels of walking and cycling on this site, despite the planned provision of additional footpaths and cycleways. While I appreciate that it is proposed to provide a direct bus route through the site with regular services, I have some difficulty in accepting that this is likely, in itself, to lead to a significant increase in the modal split. As the objectors point out the willingness to make a switch from car to bus is heavily influenced by journey times. Apart from the bus only link proposed across the middle of the site there would be no separate bus lanes. In the circumstances, it seems unlikely that journey times by bus would be

<sup>67</sup> Based on the figures in LPA Doc No. 222 the average annual accident rate for the first and second half of the ten year period between 1989 and 1998 are as follows:-

	1989-1993	1994-1998
Long Chaulden	2.0	8.2
Boxted Road	0.8	4.4
Northridge Way	2.8	3.8

significantly less than by car. Consequently, I consider the likelihood of a significant modal shift occurring is limited.

- 7.33.54. I appreciate that other factors, particularly cost, will also have a bearing on the choice of transport mode. However, unless the cost of bus travel was substantially cheaper I believe this factor is unlikely to have a significant influence on individual decisions. I am not satisfied therefore that there can be any certainty of a noticeable modal shift occurring in respect of the development at West Hemel Hempstead.

*Traffic movements and highway safety on Green End Lane*

- 7.33.55. Turning to the issue of increased “rat-running” on Green End Lane it appears that current traffic levels on this road are relatively modest. Based on current journey times it seems unlikely that drivers would gain a significant advantage in using this route as an alternative to Boxted Road and Long Chaulden. I accept that the situation could change if the delays on the route along Boxted Road and Long Chaulden were to increase significantly. If traffic levels along Green End Lane were to rise substantially as a result not only would this have an impact on residential amenity but it could also have an adverse effect on road safety bearing in mind the substandard visibility at the junction with Long Chaulden. However, in my view it should be possible to avoid this occurring by introducing appropriate highway improvements and traffic calming measures. I am not satisfied, therefore, that the development of land at West Hemel Hempstead would have an unacceptable impact on traffic movements or highway safety on Green End Lane.

*Conclusions*

- 7.33.56. In conclusion, I find that the subject to the proposed highway improvements the level of traffic generated by the development of Phase I of West Hemel Hempstead (H34) would not have an unacceptable impact on the road network. However, while I note the Highway Authority’s view that traffic from up to 600 dwellings could be accommodated on the surrounding road network, subject to appropriate improvements to the junctions, I have some doubts about this assessment. While I accept that the proposed improvements would be sufficient to ensure that for the most part the impact on the local road network would be no worse than if the development did not take place there would clearly be increases in queuing at some junctions. I am also concerned about the ability of the junctions at Leighton Buzzard Road/Queensway and Fishery Road/London Road to accommodate the additional traffic even with improvements.
- 7.33.57. In view of the considerable uncertainty about whether or not an increase in modal split could be achieved, I consider it would be inappropriate to seek to rely on this in order to overcome the problems of capacity on the local road network. I accept that the proposed improvements should be sufficient to avoid an increase in the rate of accidents and rat-running along other roads in the area. However, this does not outweigh my other concerns regarding the increase in traffic. Although these concerns would not be sufficient in themselves to warrant the deletion of Phase II (H51) of the development at West Hemel Hempstead they do strengthen my view that the Council should seriously reconsider whether land at West Hemel Hempstead is a suitable location for substantial additional housing.

**(i) Infrastructure**

- 7.33.58. The objectors raise a number of matters relating to the capacity of the existing infrastructure. In particular they question the ability of local shops, schools and health services to meet the needs of the future residents of the proposed development at West Hemel Hempstead. Concerns are also raised about the capacity of both the local road network and other existing services such as the sewerage system and water supply. I have already dealt with the capacity of the existing road network under the preceding issue and I propose to deal with the issue of surface water drainage and flooding under the next issue. I, therefore, turn at this stage to the other matters raised starting with the capacity of the local shops.
- 7.33.59. There are two existing local shopping centres in the neighbourhoods of Chaulden and Warners End. The former, which is located on Long Chaulden, is the smaller of the two and has parking space for 20 cars. Although there is no evidence that the existing units are over-trading, it would appear that the car park is full for much of the time. There appears to be little scope for expanding the current level of parking provision. Consequently, I consider the centre is unlikely to be able to accommodate significant additional demand, particularly if the customers were to arrive by car.
- 7.33.60. The shopping centre at Warners End, known as Stoneycroft, is much larger with a wider range of shops. It has parking space for some 44 cars at the front and 27 spaces at the rear. However, at peak times it would appear that all of the spaces tend to be occupied. Although turnover tends to be fairly rapid there are often vehicles waiting for spaces. The objectors argue that this has led to vehicles queuing back onto Warners End Road, which causes a hazard to other drivers. Parking provision at the centre was extended in 1991 but it is considered that there is no realistic opportunity for a further increase. It would appear, therefore, that the capacity of the Stoneycroft centre to cope with additional demand is also extremely limited.
- 7.33.61. In view of the distance between H34 and the Chaulden and Stoneycroft shopping centres I consider that most future residents are likely to seek to access local shopping facilities by car. In view of the limited parking capacity available I consider that the development of even the 150 dwellings proposed in Phase I of the development at West Hemel Hempstead would place a considerable strain on both centres. The impact would in my view be far worse if Phase II (H51) of the development was also implemented. If the overall capacity of Phases I and II was increased to 500 dwellings as sought by the developers the effect would be even greater. I am concerned therefore that development of the land at West Hemel Hempstead could place an intolerable burden on existing shopping facilities.
- 7.33.62. In reaching this conclusion I have taken account of the fact that Phase III (H54) would be much closer to the Chaulden centre. It is likely therefore that a far higher proportion of residents living on this phase would be likely to walk or cycle to the centre. In the circumstances, I consider that development of this land would place much less strain on the capacity of local shops. However, this does not offset my concerns about the impact of Phases I and II.
- 7.33.63. Turning to the local schools, I note that there appears to be some limited capacity within local schools. However the Education Authority considers that an increase of 400 or more dwellings could impose an excessive demand on local primary schools.

Nevertheless, it seems that the additional demand would be capable of being met through the expansion of existing facilities. In the absence of any evidence to the contrary, therefore, I have no reason to doubt that the educational infrastructure would be able to accommodate the development.

- 7.33.64. I am far more concerned about health facilities. It is clear from the evidence that the existing doctors’ surgery at Parkwood Drive is undersized and even with the recent extension is struggling to meet present demands. Whether or not there would be scope for further expansion on the existing site is unclear but it appears that the existing practice would favour moving to a new surgery on the West Hemel Hempstead site. While this might enable the surgery to expand sufficiently to accommodate the increased demand it would, in my view, have serious disadvantages for the reasons I have already identified in paragraph 4.36.44. On balance therefore I am not satisfied that there is sufficient evidence that existing health facilities could be satisfactorily expanded to meet the additional demand that would arise in connection with the proposed housing development at West Hemel Hempstead.
- 7.33.65. Although some objectors make passing reference to the inability of the existing sewerage and water supply systems to cope with the additional development there is no substantive evidence that either system is at capacity or that the proposed development would place undue pressure on the existing systems. From the limited evidence that is available it would appear that the appropriate sewerage and water supply infrastructure could be provided to the site. I am not satisfied, therefore, that the development of between 500 and 600 houses at West Hemel Hempstead would put an intolerable strain on the existing sewerage and water supply systems.
- 7.33.66. In conclusion it would appear that existing educational facilities and sewerage and water supply infrastructure could be suitably expanded to accommodate the proposed development. However, there seems little scope for the expansion of local shopping facilities, particularly in respect of the available parking. I am concerned therefore that the development of the proposed housing sites at West Hemel Hempstead could put an intolerable burden on existing shopping facilities. It is also clear that local health facilities are struggling to cope with existing demand. While it is possible that these could be expanded to meet the demand from the proposed new housing, it is unclear whether this could be achieved in a sustainable location. This adds to my concerns about the development of housing at West Hemel Hempstead.

**(j) Flooding**

- 7.33.67. Although the sites at West Hemel Hempstead do not lie in a floodplain it is apparent from the report commissioned by the Council<sup>68</sup> that the area is at risk of flooding due to surface water run-off. The report indicates that unless the impact of any development at West Hemel Hempstead on local surface water management is carefully considered, such a development is likely to increase flood frequency and magnitude in the Chaulden Terrace area. The report speculates that the problem could be addressed by changing the existing land drainage pond on the site to a storage pond. However, there is no evidence that as yet any detailed work has been done to estimate

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<sup>68</sup> “Identification of Flood Risk in Dacorum, Hertfordshire and Flood Hazard Management” by Flood Hazard Research Centre, Middlesex University, Enfield. December 1998 (see LPA Doc No. 587 DBC/2/A for relevant extracts)

the effects of development upstream on the capacity of the balancing pond. The Master plan report (O/5315PC/1A) and the Planning and Sustainability Assessment (O/5315PC/1B) prepared for Wilcon Development Group Limited merely refer to the retention of the balancing pond in-situ. More importantly the detailed planning requirements included in the Plan in respect of the sites at West Hemel Hempstead make no reference to the need to address the issue of potential flooding.

- 7.33.68. Although it is possible that the problem could be adequately resolved through the improvement and/or enlargement of the balancing pond, in view of the importance of this issue I am concerned that it does not appear to have been considered in any detail. In my view, the Council ought to have satisfied itself that existing and future flooding problems could be addressed before allocating an extensive area of new development in this location. At the very least the planning requirements in the Plan should have identified the need for this issue to be addressed prior to any development being permitted.
- 7.33.69. While I am not satisfied that the problem of potential flooding would be of such significance, in itself, to warrant rejecting all development at West Hemel Hempstead, it does add to my overall concerns about the suitability of these sites. If the Council does decide ultimately to retain these sites in the Plan, I consider that at the very least the planning requirements should be amended to draw attention to the need for this issue to be addressed at an early stage.

**(k) Reducing the development area**

- 7.33.70. The Directors of Shendish Manor suggest that in the light of the poor accessibility of much of the land at West Hemel Hempstead the area proposed for development should be reduced to some 8 hectares. The boundary of this smaller area would run from the field corner where FP91 hits the end of Musk Hill in a curve to join FP20 opposite the junction of Myrtle Green and Newlands Road<sup>69</sup>.
- 7.33.71. I have no doubt that the majority of the housing within this smaller area would be within a more reasonable distance of local facilities. Moreover, as the site would clearly accommodate far fewer houses it would place much less burden on the existing infrastructure, particularly on the local road network. Consequently, it would be far more sustainable in this regard. However, the boundary would not follow any existing landscape feature. Not only would it provide a much less defensible boundary for the Green Belt but it would also, in my view, have a more significant visual impact on the adjoining countryside. I consider, therefore, that the inclusion of the smaller housing area proposed by the objector would only be appropriate if the Council were to conclude that the alternative location that I have suggested at Marchmont Farm would be unsuitable for housing.

**(l) Phasing**

- 7.33.72. English Partnerships (4187) suggest that the inclusion of H34 in Part I of the Schedule of Housing Proposal Sites would be contrary to the sequential approach advocated by PPG3. I accept that the inclusion of sites like H34 within Part I could potentially lead to some greenfield sites being developed before previously developed land. However,

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<sup>69</sup> See Appendix A O/4820/1, 4825/1, 4828/1 (A-D)

it is clear that without some of these sites the Plan would not be able to identify sufficient land to accommodate the first five years of housing development, contrary to the requirements of paragraph 34 of PPG3. Although this could possibly be addressed by increasing the number of phases I do not consider that would be an appropriate solution in the case of Dacorum for the reasons I have already given in section 7.5 of my report.

- 7.33.73. I am also concerned that moving H34 to Phase II would mean that both it and H51 would have to be developed within the 5 year period between 2006 and 2011 if they are to meet housing needs during the Plan period. This would necessitate a completion rate of between 90 – 100 dwellings per annum depending on the capacity of the sites. While this may not be impossible, judging by the completion rate on some other sites, it considerably exceeds the average annual completion rate. If one also takes into account the extent of the additional infrastructure that would be required on this site there must be some doubt that such a completion rate would be achievable, particularly if there were a change in the housing market in the intervening period. Overall therefore I consider that the inclusion of H34 in Part I of the Housing Schedule would be more appropriate were the Council to decide to proceed with development at West Hemel Hempstead.
- 7.33.74. Wilcon Development Group Limited (1823, 5321PC) objects to the phasing of the site and suggests that a more flexible approach needs to be taken to the development of the site. In their view the southern parts of H34 and H51<sup>70</sup> should be developed first with access off Long Chaulden. The rest of H34 and H51<sup>71</sup> would then be developed with access off the Avenue. H54 would form the final phase.
- 7.33.75. I appreciate that there would be some advantages to phasing the site in this manner not least that the southern end of the area is generally more accessible and in closer proximity to existing services and facilities and to local bus services. However, much of H1, which forms the southern end of H51, would still be beyond the distance stipulated in the Council’s site appraisal to the local centre and/or local schools. More importantly, H34 would be screened from the adjacent countryside to the west by the existing hedgerow on its western boundary. The alternative first phase proposed by the objector would not be similarly contained by an existing landscape feature and would project far more substantially into the countryside. It would therefore, at least in the short term, be potentially far more visually intrusive.
- 7.33.76. While this would not have serious long term implications if the second phase goes ahead as proposed, this cannot be guaranteed at this stage. The fundamental principle behind the sequential approach is that greenfield land should be held back if previously developed land comes forward. There is a danger therefore that if additional brownfield sites were to come forward the second phase of West Hemel Hempstead might no longer be required during the Plan period. This would leave the first phase as proposed by the objector very exposed. I consider that the Council’s proposed phasing would have a far less damaging impact on the visual character of the area than that proposed by the objector. I recommend, therefore, that no modification should be made to the Plan in respect of the phasing of development at West Hemel Hempstead.

<sup>70</sup> These are referred to on the Master plan as Parcels H1, H2 and H3 and would constitute some 4.3 hectares. The northern boundary would be roughly in line with Myrtle Green.

<sup>71</sup> Parcels H4, H5, H6 and H7 with an area of 9.7 hectares.

7.33.77. In reaching this conclusion I have taken into account the alternative suggestion put forward at the Inquiry that the first phase could be formed by H2, H3, H4 and H5. However, while this would be more accessible it would still extend development beyond the clear defensible boundary formed by the existing hedgerow between H34 and H51. I consider, therefore, that it could also have a more damaging visual impact than that which would arise through the phasing proposed in the Plan.

**(m) Capacity**

7.33.78. Wilcon Development Group Limited considers that the site has the potential to accommodate a greater number of dwellings than proposed in the Plan. In its view the proposed capacity of 550 dwellings would result in a density below that recommended in PPG3. It therefore advocates that the capacity of the three phases should be increased to 600 houses.

7.33.79. The Council argues that the density should be assessed on the basis of the net developable areas rather than the gross areas. Excluding areas for the loop road and landscape buffers it calculates that the net density would be in the region of 50 dwellings per hectare for H34 and 31.6 dwellings per hectare for H51 (*See CD57B Table 6*).

7.33.80. In my view, the Council’s approach to assessing density would appear to accord in general terms with the methodology suggested in PPG3 and the calculated net densities would fall within the range specified in paragraph 58. I am not satisfied, therefore, that the specified capacities for H34 and H51 would be in direct conflict with national advice. Although it is possible that the density could be increased in respect of H51 I consider that this would be dependent on the final layout and the extent of landscaping. In the circumstances, I do not consider it would be appropriate for the capacity of H51 to be increased at this stage since it could restrict the necessary flexibility to design a layout which would cause minimum visual harm. My view is strengthened by the fact that the developers own assessment suggests a total capacity of around 420 dwellings for these areas of the site.

7.33.81. The biggest area of disagreement appears to be in relation to H54, which Wilcon contends could accommodate 180 dwellings. Although I support the Council’s intention to delete H54, I am concerned about the capacity shown in the Plan for this site. Table 2 of CD57C indicates that it would have a net density of only 26.6 dwellings per hectare. I appreciate that it would form part of a larger development which would have an overall density within the range specified in PPG3. However, I do not consider such an approach accords with the objectives of PPG3, which seek to ensure that best use is made of land. In my view the net density of each proposal site needs to fall within or above the range specified in PPG3 if this aim is to be met. I recommend, therefore, that if H54 is retained in the Plan the capacity should be increased to at least 125 dwellings, which would give a net density of 33.3 dwellings per hectare.

**(n) Planning requirements**

7.33.82. Wilcon Development Group Limited also object to a number of the planning requirements specified in the Plan in respect of the sites at West Hemel Hempstead.

The most important of these is the requirement that 50% of the proposed dwellings should be provided as affordable housing. However, they also object to the requirement that the developer make the necessary additional educational provision. I deal with the latter matter under issue (p) below. I have therefore sought primarily to address the issue of affordable housing at this point.

#### ***Affordable housing***

- 7.33.83. The developer objects to both the amount of affordable housing proposed and the fact that the majority of it should be in the form of social rented housing. In its view a figure of 30% would be more appropriate of which only 20% should be social rented/shared ownership properties. I have already addressed the issue of the appropriate type of affordable housing in considering the objections to Policy 21 (*see paragraphs 7.8.114 to 7.8.120*). Since the planning requirements for sites H34, H51 and H54 do not specify the type of affordable housing to be provided I see no need for the requirements to be amended in this respect. In my view to introduce a detailed requirement as to the appropriate split for the different types of affordable housing would unnecessarily limit the flexibility to meet changing housing needs.
- 7.33.84. As for the amount of housing I have already found in section 7.8 that there is a significant need for affordable housing within the Borough. In this context I have concluded that in general terms the indicative targets set for the individual sites are not unreasonable (*see paragraphs 7.8.158 to 7.8.165*). In the case of West Hemel Hempstead there is no clear evidence that the provision of 50% affordable housing would render development of the site unviable. If subsequent problems with viability were to arise the criteria in Policy 21 would allow these to be taken into account in determining the precise amount of affordable housing that would be appropriate.
- 7.33.85. I note the suggestion that the provision of 50% of the housing as affordable dwellings would be likely to result in an unbalanced community polarised between owner-occupier and social rented accommodation. However, I am not satisfied that the provision of 50% affordable housing would lead to a particularly unbalanced community. Indeed, I believe it may well result in a much more mixed community than within many of the existing residential neighbourhoods of the town. With careful attention to design, layout and tenure I see no reason why a successful development should not be achievable even with 50% of the housing being affordable.
- 7.33.86. I recommend, therefore, that if the development at West Hemel Hempstead is retained in the Plan no modification should be made to the target for the proportion of affordable housing. However, in the light of my earlier comments on other sites I consider that the word “around” should be inserted before the figure to make clear that the target is an indicative one.

#### ***Other requirements***

- 7.33.87. In their evidence to the Inquiry the objector also suggested changing the format of the planning requirements (*see Appendix 1 to O/5323PC/1*) so that all three sites were dealt with as one proposal site. Although this format includes most of the requirements specified in the Plan it proposes some changes to the wording in order to introduce a greater degree of flexibility.

- 7.33.88. Treating the area as one site would have advantages as the planning requirements would only need to be inserted in the Plan once. However, I am not satisfied that this would outweigh the disadvantages. In particular, I consider that such an approach could make it more difficult to achieve a successful phasing of the development in accordance with the aims of PPG3 for the reasons I have already given in paragraphs 7.33.74 to 7.33.77. Neither am I convinced that the amended wording would be an improvement on that proposed in the Plan. Indeed the insertion of phrases like “wherever practicable”, in respect of the retention and protection of existing vegetation, would in my opinion, result in the requirements becoming undesirably vague in places. I do not consider, therefore, that the Plan should be modified as suggested by the objector in respect of amalgamating the sites into one or amending the requirements.
- 7.33.89. However, if the sites are retained in the Plan I consider that some minor amendment to the requirements would be necessary. The reference in both H34 and H51 to the sites being planned comprehensively with H54 should be deleted in the light of PIC52. In addition, the requirement in H51 for frontage development adjoining the loop road away from The Avenue and Long Chaulden is in my view unclear and unnecessary. I, therefore support FC41, which deletes this requirement. Similarly while I can understand the reason why the Council has suggested that the development of Phase II should be dependant on achieving satisfactory levels of passenger transport use in Phase I, I am not satisfied that such a requirement would be reasonable in this case. Even if bus services could be provided through Phase I, which in my view seems unlikely, there is little the developer could do to ensure that a particular level of usage of such services was achieved. In the circumstances, I consider the amendment proposed by FC33, which would make the development dependent on achieving a satisfactory level of passenger transport facilities, would be more appropriate. I therefore support the proposed change.
- 7.33.90. In conclusion, therefore I recommend that if Proposals H34 and H51 are retained in the Plan that the reference to H54 be deleted from the planning requirements be deleted in both cases. In addition, I recommend that the planning requirements for H51 should be modified in accordance with FCs 33 and 41.

**(o) *Archaeological interest***

- 7.33.91. The County Archaeologist (4062, 4065 & 4067) contends that the land at West Hemel Hempstead has considerable archaeological potential and therefore that the Plan should require a programme of archaeological evaluation and the implementation of any necessary mitigation measures. The Borough Council accepts this and proposes under PICs 42 and 49 to amend the Plan to include such a requirement in respect of Proposals H34 and H51.
- 7.33.92. The developer’s desk based assessment states that the site has limited archaeological interest. However, the evidence presented by the County Council regarding the average density of later prehistoric and Roman sites within Hertfordshire and the environmentally favourable nature of this particular location for agriculture would suggest that there is a strong possibility that important archaeological remains could exist on the site. In the circumstances, I consider that a requirement for a more thorough evaluation would not be unreasonable. I would recommend, therefore, that if the Council determines to retain the sites within the Plan, the planning requirements

for Proposals Sites H34 and H51 be modified to include a requirement for archaeological evaluation of the sites in accordance with PICs 42 and 49.

**(p) Educational provision**

- 7.33.93. The County Council maintains that existing schools would not be able to cope with the demand from the additional housing at West Hemel Hempstead without their being expanded. The Borough Council acknowledges this and originally proposed under PIC42 and 49 to amend the requirements to state that the provision of additional education facilities would be required.
- 7.33.94. Wilcon Development Group Limited object to this wording since it believes that this implies that the developer would be required to physically provide the additional facilities rather than merely making a financial contribution towards them. The Borough Council accepts this and proposes under FCs 29 and 34 to amend the wording to clarify that the method of provision would not be limited to the physical construction of the additional facilities.
- 7.33.95. Although the proposed changes would appear to address the objections, I am concerned that this wording would not be consistent with similar requirements in respect of other proposal sites. Consequently, if the sites were retained in the Plan I would recommend that the wording of the additional requirements should be amended to ensure that they are consistent with similar requirements elsewhere in the Schedule of Housing Proposal Sites.

**(q) Land at Green Lane**

- 7.33.96. One objector has suggested that if additional greenfield land is required in order to meet housing requirements during the Plan period it would make more sense for land at Green Lane, adjacent to the M1, to be allocated. This suggestion was put forward by the Borough Council at the Structure Plan EIP but was rejected by the Panel. Since the majority of this land falls within the adjoining District of St.Albans it clearly falls beyond my remit to recommend that it be allocated for housing. In any case I do not believe that a location adjacent to the M1 would necessarily be more suitable than the land at West Hemel Hempstead in sustainability terms. I therefore recommend that no modification should be made to the Plan in response to this element of objection 2483.

**(r) Land at Shendish**

- 7.33.97. The Directors of Shendish Manor Estate again suggest that land at Shendish would be a better location for housing. While I accept that the Shendish site would be more accessible and would be better located in terms of its proximity to local facilities I am not satisfied that this would be sufficient to justify its inclusion in the Plan in preference to the sites at West Hemel Hempstead. In my view the development of the land at Shendish would have a far more significant impact on the purposes of the Green Belt, for the reasons I set out in section 4.34. I also consider it would have an equally damaging visual impact bearing in mind its prominence when seen from the existing housing areas on the northern side of the Gade valley. Finally I judge that it would have a harmful effect on the setting of the listed Shendish Manor for the reasons I set out more fully in section 7.59. I am not satisfied, therefore, that it would

constitute a better location for the proposed housing. Accordingly, I recommend that no modification should be made to the Plan in response to this objection.

**Recommendation**

7.33.98. **The Council seriously reconsiders the allocation of land at West Hemel Hempstead for housing. Unless no other suitable land can be identified to accommodate the required housing then Housing Proposal Site H34 should be deleted from the Plan.**

7.33.99. **If H34 is retained in the Plan I recommend that the requirements be amended as follows:-**

- (a) delete the reference to H54;
- (b) insert the word “around” before the figure 50%;
- (c) insert a requirement for a programme of archaeological evaluation and necessary mitigation measures in accordance with PIC42;
- (d) add a requirement in respect of the provision of additional educational facilities along the following lines:

“A contribution towards the provision of additional educational facilities will be required.”

- (e) include a further requirement in respect of the need for the potential for the development to increase flood risk to adjacent areas to be thoroughly assessed and for any approved scheme to include the necessary measures to mitigate the impact.

**7.34. HOUSING PROPOSAL SITE H35  
CATTLE MARKET SITE, BROOK STREET, TRING**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
122	Mr J Burnell	4220	Mr C Kruger
123	Ms Maureen Parnell	4227	Tring Chamber of Commerce
501	Mr M J McFarland	4231	Mr B Kazer
1035	G Grace & Son	4233	J C Charcharos
1173	Mr C H Gray	4260	Tring and Districts Residents’ Association
1295	CPRE - The Hertfordshire Society	4288	Mrs B Lea
1553	Tring Town Council	4324	Mrs A J Nobbs
1735	Mrs M Wilson	4692	Mrs B J Brown
3117	Tring Liberal Democrats	5019L	Mr M Hicks
3994*	HCC Corporate Services Department		

**Supports for pre-inquiry changes**

For Pre-Inquiry Change 43			
5409PC	CPRE - The Hertfordshire Society	5732PC	Tring and District Residents’ Association
5581PC	Mr B Kazer		

## Key Issues

- (a) Should the site be allocated for housing. (122, 123, 501, 1035, 1173, 1295, 1533, 1735, 3117, 4220, 4227, 4231, 4233, 4260, 4288, 4324, 4692, 5019L)
- (b) Is it appropriate for the Fire Station and the adjoining open space to be included in the proposed housing site. (1553, 3994)
- (c) Whether further land at North East Hemel Hempstead should be converted from employment use to housing instead of developing the Cattle Market. (1295)

## Inspector’s Conclusions

### (a) *Should the site be allocated for housing*

7.34.1. The objectors raise a number of concerns regarding the proposal to identify the cattle market site for housing. These include its importance as part of Tring’s heritage and character; the contribution its current use for auctions and a farmers market makes to the town’s economy; potential traffic problems; the level of pollution; the site’s ability to accommodate other uses; and the unwillingness of the landowner to allow the site to be used for housing. The Council argues that the site is underused and considers that its redevelopment for housing would accord with the objective of making better use of urban land, which is encouraged in PPG3. To answer some of the objectors’ concerns they propose under FC38 to make a number of changes to the planning requirements. This would provide for a mixed-use development, which would allow for the existing uses to be retained if possible or other suitable alternative uses to be considered as part of the development. I have therefore examined each of the points raised by the objectors and considered whether the proposed further change would be sufficient to address the objections.

#### *The historic interest of the site and its contribution to Tring’s heritage and character*

7.34.2. The exact date when the cattle market was first moved to Brook Street is unclear but it may have been built in 1884 and was clearly in operation by 1895. Prior to this a livestock market had operated in lower High Street. The removal appears to have been at the instigation of the Rothschilds, owners of the Tring Estate, who played an important role in reshaping the character of Tring. The Auction office and the small sheep pens at the front of the site appear to be original, although the former has been modified. In 1991 Tring Town Council acquired the site. At that time the site was still trading in sheep but this has since ceased and use is now restricted to fortnightly auctions of furniture and other household items and a fortnightly farmers’ market.

7.34.3. It was stated at the Inquiry that the site represented one of the few remaining examples of a relatively intact livestock market. However, it is clear that while English Heritage consider it of local interest they do not believe it to be of sufficient architectural or historic interest to merit listing. I do not find this view surprising bearing in mind that the original cattle stalls at the rear of the site and the railings at the front of the site have long since gone and the auction building and the floorscape have been significantly altered. While the remaining sheep pens are of historic interest I am not satisfied that their merit, even at a local level, is of such significance as to warrant rejecting any redevelopment of the site.

- 7.34.4. In reaching this conclusion I have noted the argument put forward by Mr Hicks that the site could be put to a beneficial use whilst retaining the sheep pens. However, in my view, the presence of the pens would be likely to severely constrain the opportunities for making more effective use of the land. Having said this I accept that their value to the town’s heritage would be sufficient to warrant a remnant of these pens being retained as part of any redevelopment.
- 7.34.5. A number of objectors suggest that the area is important in providing an open space close to the town centre and suggest that modern housing would harm the character of the town. However, while the site is partly open there are a number of buildings on it including the large and rather unattractive corrugated asbestos/metal sheds. I am not persuaded, therefore, that the site constitutes an important area of open space in terms of the overall townscape. Although the area to the south and west lies within the Conservation Area the cattle market site does not. Moreover, it is seen within the context of the modern fire station to the north, the garage opposite and the flats to the rear. I do not consider modern housing development would look unduly out of place within this setting. Indeed, providing the redevelopment was undertaken with due cognisance of the site’s historic context, I consider that it could enhance the area. In the circumstances, I do not find that either the site’s historic importance or its contribution to the character of the town would rule out an appropriate re-development of the site for housing.

*The contribution to the economy of the town*

- 7.34.6. I am much more concerned about the implications for the vitality and viability of the town centre. Although the auctions only take place fortnightly it is clear, both from the written evidence and what I saw on site, that they attract significant numbers of people into the town. The evidence from the Town Council, Chamber of Commerce and local traders would suggest that other businesses in the town benefit from spin-off trade on auction days and I find no reason to disbelieve this. I have no doubt therefore that the current use of the site for auctions does make an important contribution to the economy of the town.
- 7.34.7. It is clear from the Town Centre strategy in Part 4 of the Plan, and what I heard at the Inquiry, that the opening of the out-of-town Tesco on the London Road has had some impact on the town centre. While this may be much less than the Borough Council originally feared, I consider the strength of the town centre as a location for both convenience and comparison shopping remains fragile. Within this context I consider that any redevelopment of the cattle market site which put at risk the continuing operation of the auction use could seriously damage the vitality and viability of the town centre.
- 7.34.8. I am less concerned about the farmers’ market. This is a recent activity and from what I saw relatively small-scale. While I have no doubt that it also makes a contribution to the local economy and to the vitality of the town, I doubt whether as yet this is significant. I appreciate that the market could expand in time as it becomes more established, but it seems to me that it could probably be relocated to another site within the town without undue adverse impact. I am not satisfied, therefore, that on its own the presence of the farmers’ market would warrant deleting the proposal to redevelop the site for housing.

- 7.34.9. I have considered the Council’s suggestion that the site could possibly be redeveloped in such a way that the auction use could continue. One suggestion put forward was that the redevelopment could take the form of a 2 storey development with a market hall at the ground floor level and flats above, as has occurred in some other towns. However, while I accept that the auction use does not make use of the whole site it is clear from what I saw that the activities rely on being able to display a wide range of items and allowing customers the space to circulate amongst them for viewing purposes. In the circumstances, I consider that for the auction business to continue to function effectively a substantial part of the site would have to be retained for this use.
- 7.34.10. More importantly, judging from what I saw of the activities on the site, it seems likely that the profitability of the auction business is extremely reliant on a low level of overheads, particularly rental costs. Even if it was possible to retain sufficient space for the auctions, which I doubt, I am concerned that redevelopment of the site could lead to increased rental costs. This could jeopardise the long-term viability of the auction business. In addition, noise from the activity associated with the auction could give rise to complaints from residents of the proposed flats. I am concerned, therefore, that redevelopment of the site, even for the mixed use now proposed by the Council, could endanger the future of the auction business and the important contribution it makes to the economy of the town.
- 7.34.11. In reaching this conclusion I have taken account of the fact that the auction operates on a ten year lease, which was due for renewal in 2001. However, while the Borough Council questions whether the use will endure in the longer term, I note that it has been in existence for many years and is clearly supported by the landowner. I find no reason, therefore, to believe that the use would not continue, at least for the remainder of the Plan period. Although it is possible that the use could be relocated, there is no evidence that another similar site, equally close to the town centre, would be available. A move to a location further from the town centre would, in my view, be likely to have a detrimental impact on spin-off trade.

#### ***Traffic problems***

- 7.34.12. Although objectors are concerned about traffic levels on Brook Street I note that the most recent traffic survey shows the road operating at a maximum of 650 vehicles per hour. It would appear that the operating capacity at peak traffic flow would be around 1000 vehicles an hour. It is clear, therefore, that the road is not operating at its functional capacity. However, bearing in mind the proximity of residential dwellings to the carriageway I accept that the environmental capacity in this case is likely to be lower than the functional capacity. Nevertheless, I am not satisfied that the development of 20 houses on the Cattle Market site would lead to a material increase in traffic flows along Brook Street, even when the additional traffic from the development at Pitstone is taken into account. I do not consider, therefore, that the traffic implications of the proposed redevelopment would be sufficient to justify deleting H35 as a housing site.

#### ***Pollution on Brook Street***

- 7.34.13. It would appear from the evidence provided from the Council’s monitoring station on Brook Street that levels of nitrogen dioxide on this road are one of the highest in the Borough. Indeed only the levels at the Moor End and Bennetts End roundabouts in

Hemel Hempstead would appear to be higher. However, while I accept that there has been some increase since monitoring first commenced in 1996 it would appear to be fairly modest. I am not persuaded, therefore, that the traffic arising from 20 additional dwellings would lead to a harmful rise in pollution levels on Brook Street. My view is strengthened in this case by the proximity of the site to the town centre, which would mean that trips to local shops and other facilities could easily be done on foot. It seems likely therefore that traffic generation from this site would be below average.

*Alternative uses*

- 7.34.14. The Town Council and other objectors argue that the site would be better put to other uses. In particular, it is suggested that the Friday Market, which takes place on the adjacent car park to the west, should either be relocated or extended onto this site. Alternatively some objectors have recommended that the site could be used for parking to ease existing congestion, particularly on market days. Finally the Town Council considers that the site would be appropriate for another community use such as a theatre/arts complex or a museum or day centre use.
- 7.34.15. The Friday market plays an important role in the economy of the town and it is clear from the Town Centre Strategy in Part 4 of the Plan that it is the Borough Council’s intention to retain and enhance this facility. While I appreciate that the use of the adjoining car park for this purpose creates parking congestion in the town on market days I do not consider the suggestion of relocating the market onto the Cattle Market site is likely to be feasible at this time. Not only would it mean moving the market further from the High Street but it would also be likely to affect the operation of the auction business, which currently holds its viewing days on a Friday.
- 7.34.16. In my view, the alternative suggestion of extending the market onto this site has more potential. Indeed, the Town Centre Strategy specifically states that the development of complementary stall market trading opportunities in other locations around the town centre will be investigated. Since there is already direct pedestrian access between the cattle market site and the adjoining car park there would be little difficulty in ensuring appropriate links between the two sites. However, while complementary activities may be beneficial there is little evidence before me to suggest that the Friday Market has outgrown its current site or that there is demand for additional space at present. However, I acknowledge that development of the cattle market site for housing would limit future options for the extension of trading opportunities in connection with the Friday market.
- 7.34.17. It would also appear that the Friday market results in significant parking congestion in the town centre, which local residents argue is already at capacity. It seems to me therefore that the use of the cattle market site for parking could help to relieve existing congestion in the town centre on market days as well as helping to provide spare capacity on other days. As Tring serves an extensive rural hinterland where public transport services are poor, the provision of adequate parking in the town centre is likely to be essential to maintaining and enhancing the vitality and viability of the town centre.
- 7.34.18. Although I can understand the Town Council’s desire for a theatre and arts centre to be provided in Tring there seems little realistic prospect of this being realised. Not only is there already a theatre at Pendley Manor, just outside the town, but also there is little

evidence that the Town Council would be able to raise the necessary finance for such a scheme. I have similar doubts about the creation of a museum on the site. I have no doubt that the provision of a day centre would be of considerable benefit to local residents. However, I do not see why such a development could not be achieved alongside the housing units stipulated in the Plan. I am not satisfied, therefore, that the need to retain the site for any of these uses would, in itself, warrant deleting the proposal to accommodate some housing on the site.

- 7.34.19. However, I am concerned that other options for this site, including its use as an extension to the Friday market or for parking, do not appear to have been fully explored before the site was allocated for housing in the Local Plan. The Council’s decision to put forward FC38 at the Inquiry stage suggests to me that they accept that the site has the potential to accommodate other uses. In my view these may be of equal or greater value to the local community than housing. In these circumstances, I consider it would be premature for the site to be allocated for housing before detailed consideration has been given to the most appropriate form of any redevelopment.

#### ***Role of landowner***

- 7.34.20. In any case it is clear that the Town Council, who are the current owners of the land, are not prepared to release the land for housing, even on the basis of the proposed mixed use put forward under FC38. I appreciate that the Town Council might change its decision in the future but there can be no certainty of this. Without the co-operation of the landowner it is difficult to see how the proposal could be realised. While PPG3 encourages Council’s to make use of compulsory purchase powers to enable previously developed land to be reused for housing, it is highly unlikely that the Secretary of State would support the use of such powers against another publicly elected body. This is even more liable to be the case where there is strong local support for the Town Council’s stance. I am not satisfied, therefore, that there is a realistic prospect of this land being brought forward for housing during the Plan period, either as originally proposed or as part of a mixed use scheme as proposed under FC38.

#### ***Conclusions***

- 7.34.21. In conclusion, I find that neither the historic nor the visual contribution the site makes to the character of the town warrants deleting proposal H35. Similarly I am not satisfied that traffic or pollution concerns are of such weight as to justify its omission from the Plan. However, I am concerned that redevelopment of the site for housing, even as part of a mixed use, could jeopardise the valuable contribution the existing auction use makes to the economy of the town. The site also appears to have the capacity to accommodate other uses that may be of greater value to the local community.
- 7.34.22. In the circumstances, I consider that it would be premature for this site to be allocated for redevelopment until further consideration has been given to determining the form of development that would best meet the needs of the local community. My view is reinforced by the fact that the site is unlikely to come forward for development during the Plan period in any case, owing to the landowners opposition to both the redevelopment proposed in the Plan and that proposed under FC38. I conclude,

therefore, that Proposal H35 should not be proceeded with. Accordingly, I recommend that the Plan should be modified by the deletion of Housing Proposal Site H35.

**(b) The Fire Station and open space**

7.34.23. The Town Council (1553) points out that the site shown on the Proposals Map includes the Fire Station and an adjoining area of open space at Pond Close and questions whether this is appropriate. The County Council (3994) makes clear that the Fire station is sound, well located and meets current operational requirements. The Borough Council concedes that the inclusion of the Fire Station and open space was an error and proposes under PIC43 to amend the area of the site to omit them. In my view this change would address these objections and would be a sensible course of action if H35 is retained in the Plan as both the Fire Station and open space continue to serve local needs. I, therefore, recommend that the area of H35 should be modified in accordance with PIC43 if the Council should determine to retain H35 in the Plan.

**(c) Land at North East Hemel Hempstead**

7.34.24. I have already addressed the issue of reducing the area allocated for employment and increasing the area identified for housing at North East Hemel Hempstead in paragraphs 7.28.9 to 0 of my report. For the reasons I give there I consider that it would be appropriate for more land at North East Hemel Hempstead to be allocated for housing. However, I do not consider that, in itself, this would have merited the deletion of the cattle market site, bearing in mind that the latter constitutes previously developed land whereas the land at North East Hemel Hempstead is a greenfield site.

**Recommendation**

7.34.25. **The Plan be modified by the deletion of H35 from the Schedule of Housing Proposal Sites and the Proposals Map.**

7.34.26. **If the Council determines to retain H35 in the Plan I recommend that it be modified in accordance with PIC43 and FC38.**

**7.35. HOUSING PROPOSAL SITE H39  
FORMER OSMINGTON SCHOOL, OKEFORD DRIVE, TRING**

**Objection**

<i>Rep No</i>	<i>Name</i>
1879	G M Horrell

**Key Issue**

(a) Whether the condition of the housing site is relevant to the Local Plan. (1879)

**Inspector’s Conclusion**

- 7.35.1. The objector requests that the remaining plot on this site should be tidied up and landscaped in accordance with the landscaping details. The Council argues that the condition of the site has no significant bearing on its status as a housing proposal site.
- 7.35.2. I am satisfied that the Council will have sufficient powers to address the state of the remaining plot either under the conditions imposed on the original planning permission or under section 215 of the Town and Country Planning Act 1990. I see no need therefore for the Plan to be amended to address this matter. I recommend that no modification be made to the Plan in response to objection 1879.
- 7.35.3. I note in passing that appendix 9 to the Housing Technical Report (CD57) states that this site was completed in September 1997. However, the evidence I heard at the Inquiry suggests that this is incorrect. It certainly appeared at the accompanied site visit I undertook in May 2000<sup>72</sup> that one plot had not been built on at that time. If the development has been completed since then I consider that in line with my recommendations in respect of other completed sites Proposal H39 should be deleted from the Schedule. If the last unit has still to be built then I recommend that the Plan should be modified to update the progress of the site.

**Recommendation**

- 7.35.4. **The Plan be modified by:-**
- either deleting Proposal H39 and amending the figure for completions in Policy 17 accordingly;**
- or updating the progress of Proposal H39 to show the site’s current status.**

**7.36. HOUSING PROPOSAL SITE H40  
LAND AT STATION ROAD/COW LANE, TRING**

**Objection**

<i>Rep No</i>	<i>Name</i>
1736	Mrs M Wilson

**Key Issues**

- (a) Should the Housing Proposal Schedule be updated to show the increase in completed dwellings for H40. (1736)
- (b) Can the infrastructure in Tring support the development. (1736)

**Inspector’s Conclusions**

- (a) *Updating progress*

<sup>72</sup> This site visit took place on 12/5/00 in response to objection 4285 to Policy 7.

- 7.36.1. The objector argues that the Proposals Map and Schedules are inaccurate and do not give the correct number of houses already built. Appendix 9 of CD57 shows the development as containing 11 dwellings at the time it was completed in March 1998. This is same number shown as the capacity for H40 in the Plan. There is no evidence therefore that the actual number of houses built exceeded the number in the Plan.
- 7.36.2. I appreciate that the houses are not shown on the Proposals Map. However, this is understandable as the Map and Housing Schedule were prepared using a common base date of 1 April 1997. The Council has already indicated that it will use more up to date O.S. base maps when the Plan is adopted. I am satisfied that this would address this part of objection 1736. However, in the light of the fact that the site is now completed I recommend that the Plan should be modified by deleting H40 from the Housing Schedule and updating the figure for completions in Policy 17.

**(b) Infrastructure in Tring**

- 7.36.3. It is contended that Tring is full up and that Schools, doctors, services and parking can take no more people. While I have found that local services and facilities in Tring are under pressure I consider that there is capacity to accept a limited amount of additional development for the reasons I set out in paragraphs 7.1.1 to 7.1.9. There is certainly no evidence that the development of the land at Station Road/Cow Lane has led to an intolerable strain on local facilities. I find no reason, therefore, for the Plan to be modified further in response to objection 1736.

**Recommendation**

- 7.36.4. **The Plan be modified by deleting Site H40 from the Schedule of Housing Proposal Sites and the Proposals Map and by amending the figure for completions in Policy 17 accordingly.**

**7.37. HOUSING PROPOSAL SITE H43  
LAND REAR OF WATFORD ROAD, KINGS LANGLEY**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
60	Mrs J Clay	411	Mrs G M Saunders
64	G F Parsons	414	A J Robinson
68	Mr and Mrs Colin & Pamela McLaren	450	Mrs P A Elderkin
73	Mrs M J Parsons	457	Mr G C Barker
77	Mrs Sheila Ashman	529	Mr & Mrs L Trybus
81	Mrs I E Allen	536	Mrs N A Copeman
84	Mr Gary Ansell	539	Mrs Cusack
88	Christopher & Penny Hawkes	541	Mrs A Ansell
90	J & L King	543	Mr & Mrs Bowers
92	Ms Maxine Giffen	546	Mr I Lomas
94	M H Fitzsimons	549	Mrs C Lomas
96	Ms Joanne Smith	553	L G Preston
98	R E C Smith	1509	Mrs P Hansard
100	Ms Joyce Smith	1514	Mr & Mrs G D Lambert
102	Mrs I Bond	1519	Kings Langley & District Residents' Assoc.
104	Mr S C Smith	1589	Councillor Janet Anderson
106	Mr P A Smith	1598	Mrs A Johnson
107	Mr J L West	1651	Mr & Mrs M T J Webster

108	Mr & Mrs P Brooks	1656	Mr D Walker
109	Mrs Florence Bilbo	1663	Kings Langley Branch of HH Conservative
110	G S Macaulay	1693	W S Upson
112	Mr Victor Goldblatt	1697	R F & P M Whitehorn
114	Mrs B Rands	1717	Kings Langley Parish Council
116	A D Wood	1722	Diana Standen
118	Beechwood Homes Ltd	1727	A E Dunn
121	Mrs H Smith	1981	Mr Michael Blunden
219	Ms Maggie Batt	1983	Ms Carol Goddard
247	King’s Langley Liberal Democrats	2131	Mr M A Copeman
251	Mr David K Peacock	2146	Mr C M Furness
253	Mr & Mrs P Domb	2149	Mr R Wicks
257	Mr J L O Clay	2151	Mr E Fry
385	Mr & Mrs F J Burnell	3233	Mrs J C Tuck
391	Mrs Margaret Colquhoun	4100	Lucas Aerospace
396	Ms Irene McGregor	4669*	HCC Corporate Services Department
398	Mr & Mrs J F Vincent	4821	The Directors of Shendish Manor Estate
400	Mr & Mrs M Gale	4857L	Mrs S McLellan
401	Mrs C Hodgson	4871L	Mr M J McLellan
405	R & S Garnett Harper	4865L	Apollonia Scott
408	Mr P G Coughtrey	5779	Linden Homes South-East Ltd

**Supports**

119	Beechwood Homes Ltd	5047L	Mrs A Taylor
1672	Mr & Mrs R G Prentice	5156	Mr Tony McWalter MP

**Key Issues**

- (a) Is more housing needed in Kings Langley or could it be provided by infilling and planned regeneration at higher densities. (68, 84, 118, 219, 247, 396, 536, 546, 549, 1514, 1519, 1589, 1656, 1663, 1697, 1717, 1722, 1727, 2131, 3233, 4100, 4865L)
- (b) Are other alternative sites available. (94, 118, 450 1519, 1598)
- (c) Can the existing infrastructure cope with the new housing. (64, 73, 77, 84, 251, 253, 385, 391, 396, 408, 414, 541, 543, 553, 1509, 1589, 1598, 1651, 1663, 1717, 2146, 2151, 4857L, 4861L, 4865L)
- (d) Would the development have a significant effect on the countryside and/or on the character of the area. (64, 68, 104, 106, 116, 121, 251, 257, 396, 398, 400, 1717 4100)
- (e) Does the proposal involve an unacceptable loss of open space. Should the land be used instead to enhance the adjoining open space (81, 88, 90, 92, 96, 98, 100, 104, 106, 114, 121, 405, 411, 457, 543, 553, 1598, 1651, 1656, 1663, 1717, 1981, 1983, 2149)
- (f) Whether the proposal would lead to an unacceptable increase in traffic and parking. (64, 73, 81, 84, 88, 90, 92, 96, 98, 100, 102, 104, 106, 107, 108, 109, 110, 112, 114, 116, 121, 251, 253, 257, 391, 396, 398, 400, 401, 411, 414, 457, 529, 539, 541,543, 1509, 1589, 1598, 1651, 1656, 1663, 1693, 1722, 1981, 1983, 2131, 2146, 4857L, 4861L, 4865L)
- (g) Can suitable access be provided and is a secondary access via Rockcliffe Drive necessary. (104, 106, 107, 108, 110, 112, 114, 116, 118, 121, 251, 398, 400, 546, 549, 1598, 1663, 1693, 1717, 1722, 1981, 1983, 2146, 2149, 2151)
- (h) Would the proposal lead to the unnecessary demolition of existing properties. (104, 106, 109, 121, 546, 1598, 1717, 4857L, 4861L)
- (i) Whether the proposed housing would have an unacceptable impact on residential amenity of both existing and future occupiers. (60, 81, 88, 90, 92, 94, 96, 102, 104, 108, 109, 116, 121, 251, 398, 401, 411, 457, 543, 1663, 1693, 1717, 2149, 2151)
- (j) Would development of the land cause harm to existing wildlife. (116, 401, 1693, 2149, 2151)
- (k) Is the site appropriate for affordable housing. (81, 88, 90, 92, 96, 98, 100, 104, 106, 114, 121, 251, 398)

- (l) Would development of the site lead to drainage problems (400, 1519)
- (m) Should the developer be required to make a contribution towards educational provision. (4669)
- (n) Would development of land at Shendish Manor be preferable to development on this site. (4821)
- (o) Should the site at Lock Field, New Road, Northchurch be given preference to this site (5779)

## **Inspector’s Conclusions**

### **(a) *Is more housing in Kings Langley necessary***

#### ***Housing need in the Borough***

- 7.37.1. As I have already indicated in section 7.4 of my report, I am not satisfied that the Structure Plan Review (SPR) housing target for Dacorum could be met entirely on previously developed land within the existing urban area. I consider, therefore, that the development of some greenfield land will be necessary. While the proposed peripheral sites around Hemel Hempstead would provide all of the strategic housing required under Policy 8 of the SPR, this would not be sufficient to achieve the SPR housing target, even when added to previously developed sites within the existing urban area.
- 7.37.2. I accept that some extra housing could be achieved on identified sites through a combination of increasing site densities, adding a number of additional sites in the urban area (e.g. TWA8) and extending a few of the sites (e.g. H27). However, I consider the additional housing from these sources would be necessary to offset the much lower level of housing that I calculate is likely to come forward on unidentified sites (*See paragraphs 7.4.99 to 7.4.150 of my report*). It would be insufficient, in my opinion, to allow for the deletion of the large number of greenfield housing sites that have been objected to. I am not satisfied, therefore, that increasing site densities, adding further urban sites and extending others would obviate the need to release a limited amount of greenfield land on the edge of other settlements within the Borough in line with the aims of Policies 5, 6 & 7 of the SPR.
- 7.37.3. Of the remaining settlements within the Borough only Berkhamsted, Kings Langley and Tring lie within the main transport corridor. As such they are the potentially the most sustainable locations, outside Hemel Hempstead, for development. However, in my opinion, the constraints imposed by Tring’s setting and the limited capacity of its existing services make it an unsuitable location for further significant development. Berkhamsted could accept some additional development but the extent is limited by the impact this would have on the surrounding Green Belt. This leaves only Kings Langley. While I accept that it also suffers from the constraints imposed by the Green Belt and the capacity of its existing infrastructure, I am not satisfied that these constraints are currently as significant as those that exist at Tring are. I consider, therefore, that it constitutes a relatively sustainable location for further limited housing development. In these circumstances, I conclude that it is reasonable for the Plan to propose the allocation of a small Green Belt site on the southern edge of Kings Langley for housing. My view is strengthened by the fact that Kings Langley is identified as a possible strategic housing location under Policy 5 of the SPR.

7.37.4. In reaching this conclusion, I have noted the comments made by a number of objectors about the criticisms made by the EIP panel in respect of Dacorum Borough Council’s approach to the identification of employment land for housing. However, having considered this matter in some detail I am not persuaded that the Council’s approach in the Local Plan is over-cautious. In my view there is not significant additional scope to re-allocate employment land for housing. Indeed I consider that some of the existing employment sites identified under Policy 33 for conversion to housing are unlikely to be suitable for this purpose due to the harmful effect that this could have on the future economic health of the Borough. In any case many are currently in active use and it seems unlikely that they would be genuinely available for development during the Plan period (*See section 8.7 of my report*).

#### ***Housing need in Kings Langley***

7.37.5. A number of objectors, including the Kings Langley and District Residents Association (KLDRA) suggest that the allocation of greenfield land at Kings Langley is unnecessary since it would not be required to meet the housing needs arising from the village. However, even if this was the case, which I doubt, I consider that this approach to housing provision is misguided. The objective of the Plan is to provide enough dwellings to meet the majority of housing needs in the Borough for the period up to 2011. In order to do this the Plan proposes sites that the Council considers would constitute sustainable locations for such housing. There is no indication that the majority of such sites are intended to solely meet the needs of the settlement in which they are located. Indeed it is clear from Table 16 in CD57 that the distribution of housing provision does not directly reflect the distribution of population in the Borough. It is only in unsustainable locations like Markyate that the Plan proposes new housing purely in order to meet local needs.

7.37.6. In my view, seeking to limit housing provision in a settlement to that which would meet the needs of that settlement only would be a far too restrictive approach to addressing the problem of housing needs in Dacorum. My view is strengthened by the strong inter-relationship between many of the settlements, particularly those along the main transport corridor provided by the railway line and the A41, and the existing constraints in some settlements. I am not satisfied, therefore, that even if the development of land at Watford Road did result in more housing being provided than required to meet the housing needs of residents of Kings Langley that this would warrant its deletion from the Plan.

7.37.7. In reaching this conclusion, I note the comments made by the KLDRA regarding the figures contained in the supporting text to Policy 17, which suggest that 87 dwellings are expected to be provided in the large villages over the Plan period. This is based on an assumed rate of 7.5 dwellings per annum<sup>73</sup>. However, this figure relates to unidentified sites only. In any case, I do not consider it would be appropriate to divide this figure equally between the 3 villages, particularly in view of the poorer range of public transport available in Bovington and Markyate and the lack of secondary school provision in those villages. I consider therefore that it would be reasonable for Kings Langley to be expected to accommodate more housing than the other villages. I am not satisfied, therefore, that the housing figures in themselves are sufficient to

<sup>73</sup> This equates to 105 dwellings for the period from 1997-2011. However, 18 dwellings have been deducted to take account of similar sites identified in Part I of the Housing Schedule. Hence the figure of 87 dwellings.

conclude that the development of land at Watford Road would not be required to meet housing needs in the Borough, even taking into account past completion rates and development within the village centre.

***Need for Comprehensive Settlement Appraisal (CSA)***

- 7.37.8. In the light of Policy 3 of the SPR, I can understand why the Kings Langley and District Residents Association considers that a CSA should be undertaken before any greenfield land around Kings Langley is allocated for development. However, while such an approach could be helpful, it is clear from the SPR that CSAs are optional. In the case of Kings Langley I am not satisfied that the limited amount of additional development proposed in the Plan period is sufficient to justify recommending that the Council undertake a CSA of the village at this stage.
- 7.37.9. In particular, I am concerned about the delay that would arise in the adoption of the Plan if this process were undertaken correctly. In my view the harm caused by such delay would far outweigh any advantages arising from a CSA of Kings Langley. I am not satisfied therefore that it would be appropriate to defer the allocation of land at Watford Road until such time as a CSA has been undertaken for the village. Having said this I accept that there would be benefits in the Council adopting such an approach in the future and I would encourage them to do so (*see section 2.6 of the report*).

***Impact of PPG3***

- 7.37.10. Objectors have made much of the changes to national housing policy that were introduced through the publication of the latest version of PPG3 in March 2000. I have no doubt that this document reflects a significant change in the direction of housing policy, not least in that it seeks to steer housing onto previously developed land within urban areas in preference to the development of greenfield land. However, while the drafting of the Plan predated the issue of PPG3 I consider that in many ways it reflects the overall objectives of current Government housing policy. In particular, the Plan seeks to achieve over 60% of housing on brownfield sites in line with the Government’s target. It also seeks to phase housing development.
- 7.37.11. Nevertheless, I accept that there are certain areas where the strategy of the Plan does not tie in entirely with the detailed advice in PPG3. Firstly no urban capacity study has been undertaken, secondly housing densities are not, in my view, as high as they could be and finally some greenfield sites are identified for development in Part I of the housing schedule. This would potentially enable them to come forward at the same time or before previously developed sites, which would be contrary to the sequential test set out in PPG3.
- 7.37.12. In relation to urban capacity, while a comprehensive study was not undertaken before the Plan was put on deposit I note that some attempts were made to assess capacity. The County Council is currently undertaking a detailed urban capacity study, which is due for completion in 2002. Based on what I have seen of the Borough, I doubt that this will identify a significant amount of additional land as being available for housing within the urban area of Dacorum. However, if the study does discover that significant additional areas of brownfield land would be available for development before 2011 then the Council would have the opportunity to take the findings of this study into account in making their modifications to the DBLP. I am not satisfied, at this stage

that the failure to undertake such a study is sufficient reason to recommend that land at Watford Road be omitted as a housing site

- 7.37.13. Turning to densities it is clear from the assessment in CD57B that the net density of most of the proposed housing sites would fall within the specified range of 30 to 50 dwellings per hectare. However, as I have previously indicated in paragraphs 7.4.53 to 7.4.58 I do not consider that this is sufficient in itself to warrant the conclusion that the proposed capacities would accord with the aims of PPG3. In my view, there is scope on a number of sites for capacities to be increased still further without harm to the amenity of neighbouring occupiers or to the environment of the area. Nevertheless, the increase in housing that could be achieved would in my view be more than offset by the lower level of housing that I anticipate will come forward on unidentified sites. I do not consider, therefore, that the density implications of PPG3 are sufficient to warrant amending the Plan in respect of the Watford Road site.
- 7.37.14. However, I consider that the advice in paragraphs 57 and 58 of PPG3 does warrant the proposed capacity for H43 being reviewed. Since the Plan proposes only 20 dwellings on an area of one hectare, it is clear that gross density for the site would fall well below the range referred to in PPG3. The net density is unlikely to be much higher, in my view, as the proposal would not appear to include any of the elements referred to in paragraph 8.20 of *“The Use of Density in Urban Planning”*<sup>74</sup>.
- 7.37.15. While I understand the reasons why the Council considers that a lower density is appropriate on this site I am not satisfied that these constitute sufficient justification for promoting a net site density that would fall significantly below the bottom end of the range recommended in PPG3. To do so would, in my view, fail to make best use of the land. Even at a higher density it should in my view be possible to accommodate sufficient landscaping to soften the impact of the development on the adjoining Green Belt and to safeguard wildlife interests. I recommend therefore that the Council reconsiders the proposed capacity for H43. At the very least the capacity should, in my opinion, be increased to 22 dwellings.
- 7.37.16. I am also concerned about the Council’s approach to the phasing of greenfield sites. Paragraph 32 of PPG3 states that the presumption will be that previously developed sites should be developed before greenfield sites. However, the phased approach to housing release that is currently proposed by the Plan allocates a significant number of greenfield sites in Part I. These sites would appear, for the most part, not to be essential in order to meet housing needs over the next 5 years. While the inclusion of the larger greenfield sites in Part I can be justified by the long lead in times that are likely to occur owing to the significant additional infrastructure required, I am not satisfied that this applies to most of the smaller sites, like Watford Road. I see no reason, therefore, for these sites to be retained in Part I of the Schedule of Housing Proposal Sites. In my view the Plan would conform more closely with current national housing policy if these sites were reallocated for development after 2006. Consequently, I recommend that the Plan should be modified by moving H43 from Part I to Part II of the Schedule.

***Sustainability of site and environmental criteria***

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<sup>74</sup> This is reproduced in Annex C of PPG3, which indicates that local authorities should adopt the approach to “net site density” set out in that document.

- 7.37.17. Although some objectors suggest that the site is not sustainable this appears to be based on the score of +6 which was identified in the Council’s original assessment of areas of search (*See CD43.3*). However, this score related to a much larger area to the south of Kings Langley. The Council’s subsequent assessment of H43 alone in CD53A identifies the site as having a score of +16, which is one of the highest scores for housing sites identified in the Plan.
- 7.37.18. The site is well located in relation to the railway station and a main bus route. It is also, in my view, within walking distance of the village centre and in reasonable proximity to the employment areas in Three Rivers District on the opposite side of the River Gade. In contrast the nearest school, which is on Langley Hill, is more than 800 metres from the site. Moreover, this school is a private establishment. The state primary school is towards the northern end of the village and would be almost 1200 metres away, which is well over the distance specified in the Council’s appraisal. I am surprised, therefore, to note that the site has received a tick in respect of its proximity to a local school in Matrix 2 of CD53A. However, while I accept that this is a disadvantage I consider that on balance the site is relatively accessible.
- 7.37.19. Although reference has been made to other criteria, notably its location in a floodplain, it is clear that these constraints related to the larger area of land originally considered under the appraisal of areas of search. They would not appear to apply to the smaller site now proposed. In particular, the site does not lie within the floodplain. I am satisfied, therefore, that the site is a sustainable location for limited additional housing.

### ***Conclusions***

- 7.37.20. I conclude that there is a clear need for some housing to be provided on greenfield sites in order to meet housing needs in the period up to 2011. While most of this can be met through sites allocated on the periphery of Hemel Hempstead, I am not satisfied these would be sufficient, even when considered in conjunction with the development of brownfield sites within the existing urban areas, to meet the housing needs of the Borough. Within this context, I consider that it is reasonable for the Plan to propose a limited amount of greenfield housing on the edge of Kings Langley.
- 7.37.21. I doubt that the site at Watford Road would provide more housing than required to meet local needs. However, even if this were the case I am not satisfied that it would warrant its deletion from the Plan. In view of Kings Langley’s location within a main transport corridor I consider that it is reasonable for the Council to expect it to make some provision to overall housing needs in the Borough. The other large villages would clearly be much less sustainable locations. I am not satisfied that it would be appropriate to delay the adoption of the Plan in order for a CSA to be undertaken for Kings Langley bearing in mind the extremely small amount of additional housing that is proposed in the village during the Plan period.
- 7.37.22. Although the Plan takes some account of the general aims of PPG3, it does not fully accord with the guidance in respect of both the need to make best use of land and the presumption that previously developed land should be brought forward for development before greenfield sites. Nevertheless, I am not satisfied that increasing the densities on other housing sites in line with PPG3 would warrant the deletion of

land at Watford Road, bearing in mind the Council’s over-estimation of the number of houses that are likely to come forward on unidentified sites.

- 7.37.23. The capacity proposed for H43 would not comply with the advice in PPG3. In my view a higher density could be achieved without harm to the surrounding landscape or to local wildlife. In addition, I consider that it would be more appropriate for the site to be reserved for development until 2006. I find that the site is sufficiently sustainable to justify its allocation for housing. In the circumstances, I recommend that the site be retained in the Plan but that the Council reconsiders its capacity and that it be moved to Part II of the housing schedule for implementation after 2006.

**(b) *Are there other more suitable sites***

- 7.37.24. Some objectors have suggested that there are other sites in Hemel Hempstead, which in their view could accommodate the housing proposed at Watford Road. The sites put forward include land to the rear of Belswains Lane (TWA2), the former John Dickinson factory (TWA3), the Gas Board land at Two Waters (TWA8) and the Homebase store site in Apsley (TWA9).

- 7.37.25. The hospital on the Belswains Lane site (TWA2) has now closed and the whole of the site is therefore potentially available for development. The Council therefore proposes under FC74 to enlarge the net capacity of this site to 92 dwellings, which is an increase of 42 on the original figure in the Plan. They also propose to increase the net capacity of the John Dickinson site (TWA3) to 300 dwellings, which would add a further 40 dwellings. However, planning permission has already been given for 430 dwellings on this site. It seems reasonable to assume therefore that 170 additional dwellings will be accommodated on this site.

- 7.37.26. As for TWA8 the Council now proposes under PIC252 that over half this site should be allocated for housing with a capacity of 90 dwellings. It suggests that the remainder of the site should be allocated for “Park and Ride”. However, for the reasons I give in section 10.35 of my report I am not satisfied that this would be the most sensible use of this land. In the circumstances, I consider that the whole site should be allocated for housing and expect that it would be able to accommodate at least 150 dwellings. In contrast I find there is little realistic prospect of TWA9 coming forward for housing during the Plan period (*see paragraph 17.25.3*).

- 7.37.27. It is clear, therefore, that the first 3 sites mentioned by the objectors could accommodate around 360 additional dwellings. This is obviously well in excess of the number of units that would be provided at Watford Road. However, I have already concluded in section 7.4 that the Plan seriously over-estimates the number of units that are likely to come forward on unidentified sites during the Plan period. The additional dwellings on sites TWA2, TWA3 and TWA8 would therefore merely offset the reduced number of units on unidentified sites and the deletion of certain identified sites, which in my view are either unsuitable or unavailable. In the light of this, I am not satisfied that the additional housing potential of these sites would justify the deletion of the land at Watford Road as a housing proposal site.

- 7.37.28. Other objectors, notably the KLDRA, suggest that the housing could be provided on infill sites within Kings Langley. The KLDRA have put forward 9 potential sites in Kings Langley and Rucklers Lane, 7 of which they believe would be suitable for

development during the Plan period. They calculate that these would accommodate around 102 dwellings, which would constitute an increase of 63 dwellings over the figures predicted for Kings Langley in the Plan.

- 7.37.29. In contrast, the Council argues that many of these sites are unlikely to be genuinely available during the Plan period. Even if they were to become available it contends that these sites would only be capable of accommodating between 81 to 99 dwellings. Owing to the proximity of many of the sites to the Green Belt it considers the lower figure is likely to be more realistic. The Council, therefore, maintains that these sites would not provide the required amount of housing.
- 7.37.30. While some of the five garage sites in Kings Langley, which were put forward by the KLDRA, may be suitable for housing it is unclear whether all or indeed any of these sites would be genuinely available during the Plan period. Although some garages may be vacant others are clearly used. There is a danger that without alternative provision being made for off-street parking redevelopment of the garages could lead to an increase in on-street parking. As many of the residential streets in the village are fairly narrow this could lead to unacceptable congestion. While such problems have previously been addressed in Coniston Road with the provision of off-road parking spaces, I am not satisfied that there would be scope to achieve this solution in every case. Without more careful assessment of the potential of these sites and the consequent parking problems that could arise I do not think it would be appropriate to rely on them bringing forward the number of houses that the KLDRA predicts.
- 7.37.31. The Council accepts that the Builders Yard at The Nap would be suitable for housing and could accommodate between 6 to 10 dwellings. At the time of the Inquiry it appeared that although the land had become vacant the owner was unwilling to sell the site for residential development. However, I accept that this situation could change during the remainder of the Plan period, if it has not done so already. In contrast Sunderlands Yard would appear to be in active commercial use and there is no indication that this is likely to cease in the foreseeable future. I do not consider that relocation of the use, even if the various businesses were dealt with separately, is a realistic option in this case bearing in mind the limited amount of employment land that is available elsewhere in the Borough. Consequently, I am not satisfied that there is sufficient certainty that this land would be available for redevelopment during the Plan period.
- 7.37.32. The other sites mentioned by the KLDRA are in Rucklers Lane and lie within the existing Green Belt. I do not accept therefore that their redevelopment for housing would be appropriate. On balance, I accept that a small amount of infill development could be accommodated on some of the sites that have been suggested. However, I am not persuaded that the amount of housing likely to be provided by these sites during the Plan period would be sufficient to warrant deleting Proposal H43.

**(c) *Capacity of existing infrastructure***

- 7.37.33. Concerns are raised about the ability of the existing infrastructure within the village to cope with the increased population. In particular, it is suggested that amongst other things local schools, health services, roads and drainage are at capacity and would be unable to accommodate the additional dwellings. I deal with the issue of traffic on

local roads in more detail under issue (f) below. I have therefore at this point addressed the other matters that have been raised.

7.37.34. Although it is contended that the local schools, particularly the primary school, are full, at the time of the Inquiry there were some 18 places available at the primary school and the County Council considers this will rise to 23 places by 2002. It seems therefore that the school has some limited capacity to accept additional pupils. I accept, however, that when the new housing likely to be built on infill sites within the village is also taken into account it is possible that the capacity of the primary school may become over-stretched during the remainder of the Plan period. However, it appears the County Council, which acts as Education Authority, considers that this possibility would be adequately addressed by requiring the developer to make a contribution to the provision of additional educational facilities. There is no substantive evidence before me to suggest that facilities at the schools could not be suitably enlarged to accommodate the small number of additional pupils that are likely to arise. Consequently, subject to the imposition of an appropriate additional requirement, I find that the development of this site should not impose an intolerable burden on the local school system.

7.37.35. I note the concerns raised about class numbers but I am not convinced that this would necessarily have a detrimental effect on current education standards. I appreciate that because of the width of the surrounding roads congestion can occur in the area at the beginning and end of the school day. However, I am not satisfied that the limited number of additional pupils likely to arise from housing on H43 would seriously exacerbate the current problems. As for the concerns raised by some objectors about noise levels arising from activity at the schools I seriously doubt that a development of between 20 and 30 houses would result in a noticeable increase in activity or noise occurring at the local schools.

7.37.36. As for the concerns about other services there is no substantive evidence to support the contention that existing health facilities would be unable to cope with the increased population. Similarly there is no indication that further limited development in Kings Langley would put an unacceptable strain on the existing drainage system. In the circumstances, while I understand local residents concerns, I am not persuaded that the existing infrastructure would be unable to cope with the limited additional housing that the Plan proposes at Watford Road.

**(d) *Effect on the countryside and character of village***

7.37.37. The site is hidden from the open countryside to the south by the existing dwellings on Station Footpath and from the west by the houses on Watford Road. From the east the adjacent woodland screens the northern part of the site. Only at the southern end, where the site abuts an open field, is it visible from a wider area to the east. However, from this viewpoint the site is seen against the backdrop of the existing housing along Watford Road. I do not consider, therefore, that development of housing on this site would result in a significant intrusion into the countryside. Neither in my view would it seriously erode the character of Kings Langley since it would represent a very modest extension of the built-up area.

**(e) *Loss of open space***

- 7.37.38. It would appear from some of the objections that a few local residents believe that the development would involve the loss of the adjoining open space and woodland to the east. However, apart from a very small sliver at the northern end of the woodland none of this area is included in the proposal site and it is clear from the Council’s rebuttal that it is intended that the land would be retained as public open space. Although some people have suggested that the site itself provides a useful area of open space it would appear to have been used in the past as a pig farm and there is no indication that there has ever been public access to the land.
- 7.37.39. I appreciate that development of the site would bring housing closer to the eastern boundary of the open space. However, subject to the housing being suitably designed and landscaped I am satisfied that this would not lead to a significant reduction in the visual quality of the open space or the enjoyment of its wider setting. I find, therefore, that the development of H43 would not lead to a serious loss of open space or deterioration in its visual quality. I deal with the impact on the woodland of the proposed vehicular link to Rockcliffe Avenue under issue (g) below.
- 7.37.40. In reaching my conclusions on this issue I have noted the suggestion that the footpath through the adjoining open space should be lit. However, since the need for such lighting would not arise directly out of the development I do not consider that it would be reasonable to include it in the planning requirements for the site.

**(f) Traffic and parking**

- 7.37.41. The main concern raised by objectors appears to relate to increased traffic and parking within the village, particularly in Rockcliffe Avenue and Avenue Approach. These roads are narrow and the visibility splays and kerb radii at the junction of Avenue Approach with Watford Road are seriously substandard. I have no doubt, therefore, that additional traffic and parking along these roads would have a detrimental impact on both the safe and free-flow of traffic and on the convenience and amenity of the residents of these roads. However, the planning requirements indicated that primary access is to be provided from Watford Road. I see no reason, therefore, why development of H43 should lead to additional parking on Rockcliffe Avenue.
- 7.37.42. I appreciate that the requirements also stipulate that a link should be provided onto Rockcliffe Avenue. However for the reasons I set out under issue (g) below I am not satisfied that a vehicular link is essential to the development of H43. However, even were one provided it seems unlikely that this would result in more traffic using the Avenue Approach junction. Indeed it may well result in lower traffic levels at this junction if safer access was available to Watford Road. Provision of a vehicular link to Rockcliffe Avenue could result in an increase in traffic along the southern arm of the road. Since this is currently a cul-de-sac this is likely to have an impact on the amenity of adjoining occupiers. However, in my view the harm that this would cause would be likely to be offset by the provision of a secondary safer access to the road.
- 7.37.43. Turning to the impact on the wider area, I acknowledge that traffic levels on the A4251 are relatively heavy at certain times of day. However, I do not consider that the additional traffic generated by 20 to 30 houses on this site would have a noticeable impact on current traffic levels. I appreciate that other developments at Apsley and in Three Rivers District may lead to some increase in traffic levels on the A4251 through the village. However, I am not satisfied from the evidence available that this would

lead to a substantial impairment of current traffic flows. I note the concerns raised about increased noise and pollution, particularly for those living at the southern end of the village. In view of the proximity of the M25 to the south I can fully understand these concerns. However, I do not consider that the small amount of additional development proposed on the land to the rear of Watford Road would result in an appreciable increase in noise or pollution levels within the village.

- 7.37.44. I note the concerns raised about increased traffic and parking congestion at the local schools. In view of the distance of the site from the schools occupiers of the proposed houses would I accept be more likely to drive their children to school, especially at primary level. Although the numbers of additional vehicles would probably be quite small, it could exacerbate current congestion problems. However, I do not consider that the impact would be sufficient, on its own, to warrant rejecting the development of this site. In any case, such problems are likely to be more effectively addressed by improving access and parking provision at the schools rather than by placing an embargo on further housing development in the village. Consequently, I am not satisfied that the development would lead to an unacceptable increase in traffic and parking in Kings Langley.

**(g) Access**

- 7.37.45. Many objectors raise concerns about the possibility of access being provided via Avenue Approach and Rockcliffe Avenue. However, the requirements make quite clear that primary access should be provided from Watford Road. I see no reason therefore why development of the site should lead to increased use of the existing substandard junction at Avenue Approach. I appreciate that the existing track to Watford Road is unlikely to be of sufficient width to provide satisfactory access to the site. However, I have no reason to believe that safe access could not be provided from Watford Road, although this may necessitate the demolition of at least one property.
- 7.37.46. Turning to the need for a vehicular link to Rockcliffe Avenue, the landowners and a number of local residents argue that this is unnecessary. Concern is also expressed by a number of objectors about the loss of woodland that would occur. The Highway Authority contends that the creation of a new access onto a main distributor road would be contrary to its policy. It maintains, therefore that such an access would only be acceptable if overall the development secured an improvement in highway safety. In its view this would be achieved by the provision of the vehicular link to Rockcliffe Avenue, as this would reduce the use of the existing substandard junction at Avenue Approach. I note that initially the Highway Authority considered that it would be necessary for The Avenue to be closed to overcome the highway objections. However, in its subsequent letter, which was submitted in January 2001 (LPA Doc. No. 764/Rep. No. 118/DBC2A), this requirement was withdrawn.
- 7.37.47. Provision of an alternative access to Rockcliffe Avenue would undoubtedly result in a safety improvement. However, any benefit, in my view, would be largely offset by the consequential loss of woodland and the increased disturbance to the people living at the southern end of Rockcliffe Avenue. I consider, therefore, that the requirement to provide such a link would only be reasonable if such an improvement was the only acceptable way in which safe access to the site could be provided. I am not satisfied from the evidence that has been presented that this is in fact the case.

- 7.37.48. Although the Borough Council argues that access from Station Footpath would be unsatisfactory, I am not satisfied this option has been adequately explored for it to be ruled out at this stage. In my view it could potentially provide safer access than a direct junction onto the A4251 could. It could also avoid the need to provide a vehicular link to Rockcliffe Avenue and would therefore potentially result in less disturbance to adjoining occupiers. I can understand the Council’s concerns about the possible loss of open space, although in my view this might be less harmful than the proposed loss of woodland adjoining the southern end of Rockcliffe Avenue. However, I am not persuaded loss of open space would be inevitable. Demolishing a property on Station Footpath could provide access.
- 7.37.49. While the Council says that they would resist such demolition, I cannot see that this would be any more harmful than the demolition of property on Watford Road, which is likely to be required if access is taken from the A4251. I am not satisfied, therefore, that at this stage it is reasonable for the Plan to include requirements which would effectively rule out this option. In my view it would make much more sense for the requirements to retain sufficient flexibility for all possible access options to be more thoroughly assessed at the Development Brief stage. I, therefore, recommend that the Plan be modified accordingly.
- 7.37.50. In reaching this conclusion, I have noted the alternative wording put forward by Beechwood Homes (O/118/1). However, in my view, this wording would be insufficiently precise. Moreover, as a vehicular link to Rockcliffe Avenue is likely to be insisted on by the Highway Authority if access is taken from Watford Road, I consider that it is important that reference to the link is retained in the requirements.

**(h) Demolition of existing properties**

- 7.37.51. Some objectors consider that the demolition of existing properties is unwarranted and would harm the character of the area. I can understand the fears of the residents who live at the southern end of Rockcliffe Avenue in the light of the earlier proposals for the land to the rear of 16-28. However, unlike the scheme dismissed at appeal in 1997 the current proposal would not involve the demolition of any dwellings on Rockcliffe Avenue. I accept that it might involve the demolition of at least one property on either Watford Road or Station Footpath. However, I am not persuaded that this would have an unacceptable impact on the character of the area. In my view the benefit of opening up the land for development and the additional housing that would be provided would far outweigh the harm that would be caused by the loss of one property.

**(i) Residential amenity**

- 7.37.52. Residents of Rockcliffe Avenue, Watford Road and Station Footpath raise a number of issues, including the effect on the ambience of the area, loss of privacy, overlooking and noise and disturbance. Concern is also raised about whether the site would provide a satisfactory living environment for future residents in view of its proximity to the M25.
- 7.37.53. While I accept that development of the site would initially result in some reduction in the peaceful ambience of the area, I do not consider that it would lead to a serious loss of amenity for local residents in the longer term. I accept that the new housing would have some impact on the level of privacy currently enjoyed in the rear gardens of the

houses on Watford Road. However, I am not satisfied that it would result in an unacceptable loss of privacy for the occupiers of these properties, owing to the length of the gardens, the intervening vegetation and the difference in level. There is potentially more of a problem with the relationship between any new housing and the existing bungalows on Rockcliffe Avenue. However, I consider that there is sufficient space for a scheme to be designed that would avoid significant overlooking of adjoining properties. Although the requirements refer to 2 storey housing this is prefaced by the word “generally”. This would allow single storey dwellings to be included in the scheme if this was necessary to avoid overlooking.

- 7.37.54. Turning to the issue of noise and disturbance, there is no doubt that the properties adjoining the access road, wherever this is eventually located, will suffer some increased noise and disturbance. However, I am not satisfied at this stage that the impact would be of such significance as to reject the allocation of the site for housing. Residents of the southern arm of Rockcliffe Avenue may also experience some increased noise and disturbance if a vehicular link is provided from the proposal site. However, traffic is likely to be limited to vehicles from Rockcliffe Avenue travelling south. I doubt therefore that the increase in traffic would be so substantial as to result in an intrusive intensification in noise and disturbance.
- 7.37.55. As for the quality of the environment for future occupiers, I note that the site is more than 300 metres from the M25. While residents of the site would clearly experience a degree of noise from the motorway, particularly when out in their gardens, there is no evidence that noise levels would be unacceptably intrusive or injurious to health.
- 7.37.56. In conclusion, I am satisfied that development of the site for housing should not result in a significant loss of amenity for existing residents. Neither in my view would it create an unsatisfactory environment for future occupiers.

**(j) *Wildlife and the environment***

- 7.37.57. Although concern is expressed about the loss of trees there are in fact very few mature trees within the main part of the site. The large trees adjacent to the western boundary would appear predominantly to be within the rear gardens of the properties on Watford Road. I find, therefore, that the new housing should not require the removal of significant trees. The provision of the proposed vehicular link to Rockcliffe Avenue would necessitate the removal of a narrow strip of trees at the northern end of the adjoining woodland. This will undoubtedly have an effect on visual amenity. However, as only a small part of the woodland would have to be removed I doubt that the loss of these trees would have a substantial impact in respect of local wildlife or the wider environment.
- 7.37.58. Turning to wildlife although the area may be rich in bird life, I am not satisfied that the habitat provided by the site is of crucial importance in sustaining the variety of birds found in the area. I accept that it is of greater consequence in respect of the local badger population as 5 active outlier setts are located on or close to the eastern boundary of the site. Development of the site is likely to necessitate the closure of one of these setts. However, the Hertfordshire and Middlesex Badger Group consider that the others could be safely retained and the remaining habitat improved. Subject therefore to appropriate care being taken with the layout of the site and the adoption of

suitable precautions during construction, I see no reason why the existing badger population should be detrimentally affected by the development.

- 7.37.59. Nevertheless, in view of the clear presence of active setts on the site, I consider that it would be sensible for the requirements to highlight the need for any developer to give due consideration to the local badger population. I recommend, therefore, that the Plan should be modified accordingly.

**(k) Affordable housing**

- 7.37.60. A number of objectors argue that 2-storey affordable housing would be out of keeping with the character of the area. Although there are single storey dwellings on Rockcliffe Avenue and Station Footpath, those on Watford Road are 2-storey houses. In the circumstances, I do not consider that 2-storey housing on the objection site would look unduly out of place, provided it is designed to a high standard.

- 7.37.61. As for the suggestion that affordable housing would detract from the character of the area, Government policy, as set out in PPG3, requires local planning authorities to encourage the development of mixed and balanced communities and to ensure that new housing developments help to secure a better social mix. In this regard the Government does not accept that different types of housing and tenures make bad neighbours. I can see no reason why the provision of 35% affordable housing on this site should have a detrimental impact on the character of the area, providing it is appropriately designed and effectively managed.

**(l) Drainage**

- 7.37.62. Although it is suggested that the site would suffer problems with flooding it does not fall within the flood plain and there is no evidence that it has suffered significant problems with flooding in the past. I have no reason to believe that any localised drainage problems could not be adequately addressed by the provision of appropriate on-site drainage measures.

**(m) Educational provision**

- 7.37.63. The County Council argues that the requirements should stipulate that a contribution should be made towards educational provision. The Borough Council accepts this and proposes to amend the Plan under PIC44 to address this.

- 7.37.64. The capacity of the local primary school is apparently 420 pupils. At the time of the Inquiry the local primary school had a total of 402 pupils. The number was expected to drop to 397 by 2002. It is clear therefore that there is some limited capacity to accommodate a few additional pupils. However, when the infill housing which is likely to be built on unidentified sites in the village during the Plan period is also taken into account I accept that the current capacity could be exceeded. In the circumstances, I consider that a requirement for a contribution to be made towards additional educational provision would be reasonable. I, therefore, endorse PIC44. However, I consider that the wording will need to be amended slightly so that it is consistent with similar requirements elsewhere in the housing schedule.

**(n) The land at Shendish**

7.37.65. Although the land at Shendish would be more accessible in some respects, notably in its proximity to a primary school, I consider that it would have far greater impact on the purposes of the Green Belt and the visual character of the area. I am not satisfied therefore that it should be given preference for development over the land at Watford Road. I note the suggestion that there is insufficient certainty regarding the genuine availability of the objection site. However, it is partly owned by a developer and there is no evidence to support the view that suitable access could not be achieved within the relevant time period. I am not convinced therefore that there is no reasonable prospect of the land coming forward within the Plan period. Accordingly, I recommend that no modification should be made to the Plan in the light of objection 4821.

**(o) Lock Field, New Road, Northchurch**

7.37.66. In the light of Policy 1 I accept that it would be appropriate for more housing to be accommodated in Berkhamsted than Kings Langley. However, as Policy 5 of the SPR identifies both Berkhamsted and Kings Langley as possible sites for peripheral development and both lie within a main transport corridor I see no reason why housing sites in the former should necessarily be given priority over those in the latter settlement. CD53A identifies both the objection site and the land at Lock Field, North Road as having an identical score in sustainability terms. Consequently, I am not satisfied that there is any justification on sustainability grounds for the land at Lock Field to be given preference over the allocation of land at Watford Road. My view is strengthened in this case by my conclusion in section 7.46 of my report that the development of the former would have a harmful impact on the setting of the Grand Union Canal and the adjoining AONB. I, therefore, recommend that no modification should be made to the Plan in response to objection 5779.

**Recommendation**

7.37.67. **The Council reconsiders the appropriate housing density for this site in the light of the advice in PPG3. The net capacity should be increased to a minimum of 22 dwellings.**

7.37.68. **The Plan be modified as follows:-**

**(a) move H43 from Part I to Part II of the Schedule of Housing Proposal Sites;**

**(b) amend the planning requirements for H43 as set out below:-**

**i) delete the sentence beginning “Access to be provided from Watford Road, .....” and substitute the following wording:-**

***“Details of access to be resolved at Development Brief Stage. Access from Watford Road preferred but access from Station Footpath would be considered provided there would be no loss of open space. A vehicular link to Rockcliffe Avenue may be required.”***

**ii) insert additional text as follows:-**

***“The layout, design and construction of the development should take account of the needs of the local badger population.” ;***

**iii) alter in accordance with PIC44, subject to the wording being amended to be consistent with similar requirements in respect of other sites.**

## 7.38. HOUSING PROPOSAL H44 LAND AT BUCKWOOD ROAD, MARKYATE

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
661	D M Rowland	1296	CPRE - Hertfordshire Society
667	N J Holmes	1581	Chilterns Conference
668	Mrs I Penman	1640	W R Pollock
672	T G Deakin	1684	W Mortimer
675	Mr L Dumbleton	1686	Mr & Mrs D M Robinson
678	Mr & Mrs L Ward	1688	L & P Orr
681	I F Woolley	1891	Chiltern District Council
684	Mr & Mrs Stonelake	2985	Mr & Mrs W Thomas
687	Mr & Mrs T James	3210	Markyate Parish Council
692	Mr & Mrs Putman	4053	HCC Environment Department
694	Kitty Wilby	4119	Mr Tony Evers
697	Mr & Mrs S Greenaway	4124	Mrs M Sweetman
699	Mr s L K Thurston	4670*	HCC Corporate Services Department
701	Ann Cahill	4728	Mr S W Biart
703	Mr L Pearce	4738	Gleeson Homes
706	Miss M Williams	4785	Mr & Mrs J Armstrong
713	Mr & Mrs G S Mead	4822	The Directors of Shendish Manor Estate
716	G H & I J Southwood	4888L	Mr P Kosowycz
720	Mrs P M Copleston	4910L	J M Plant
781	Ms C Barrett	4913	Jean Plant
786	Mrs Linda Bates	4918L	Mr & Mrs K Rangel
789	D J, C A & S K Grace	5780	Linden Homes South-East Ltd

### Counter Objections

To Pre-Inquiry Change 45			
5242PC	Gleeson Homes	5718PC	Old Road Securities PLC

### Support

711	Mr David Shillitoe
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## Key Issues

- (a) Is the land south of Buckwood Road, Markyate (Proposal site H44) an appropriate location for housing. (661, 667, 668, 672, 675, 678, 681, 684, 687, 692, 694, 697, 699, 701, 703, 706, 716, 720, 781, 786, 789, 1296, 1581, 1640, 1684, 1686, 1688, 1690, 1891, 2985, 4053, 4119, 4124, 4728, 4738, 4822, 4888L, 4910L, 4913L, 4918L)
- (b) Could the Proposal Site reasonably be enlarged. (4785)
- (c) Are the planning requirements appropriate or should the issues they address be left to resolution through a development brief. (713, 3210, 4785)
- (d) Is the planning requirement relating to education provision appropriate. (4670, 5242PC, 5718PC)
- (e) Should the site be able to come forward for development before land at Lock Field, New Road, Northchurch [H53]. (5780)

## Inspector’s Conclusions

### *The strategy for Markyate*

- 7.38.1. In his approval of the 1991 Structure Plan alterations the then Secretary of State concluded that neither the case for extending the Green Belt nor the inclusion of Markyate within the list of strategic housing locations had been fully justified. He therefore deleted Markyate from the settlements identified as being suitable for significant additional development. He recommended that the development strategy

for the village should be reviewed. A commitment to this effect was subsequently included in the supporting text for Policy 2 of the adopted Local Plan (CD39).

- 7.38.2. This review has now been undertaken and the Green belt has been extended along the Ver valley into the Markyate Area under the provisions of Policy 5 of the adopted Structure Plan Review 1998<sup>75</sup>. In the light of this the Borough Council consider that general development and the outward expansion of Markyate should be controlled in order to protect the environment and character of the village and surrounding countryside and to limit the number of journeys out of the village. In its view the level of development should be limited to that which retains the vitality of the local community. In this context, the supporting text to Policy 2 of the Deposit Draft states that the character and environment of Markyate is not suited to any development beyond minimum change. (See section 4.8 of the report for my comments on Policy 2)
- 7.38.3. The Council calculates that the theoretical dwelling requirement for Markyate would be 156 dwellings if it were to accommodate a level of development that was proportionate to its size<sup>76</sup>. The figure would rise to 245 dwellings if it were assumed that there would be nil net migration of population. If there were no change in the number of dwellings it considers that the population of the village could decline by some 10% over the Plan period, based on the average decline in household size in the County. Some 135 dwellings would therefore be theoretically required to make up for this decline. However, the Council accepts that the rate of decline is likely to be slightly lower than the theoretical figure as average household size is already low compared to the rest of the County.
- 7.38.4. The policies of the Plan provide for some 90 additional dwellings to be built in the village during the remaining part of the Plan period. 50 of these dwellings would be on previously developed land<sup>77</sup> and the rest on two greenfield sites on Buckwood Road (H44 & H45). The Council predicts therefore that the policies of the Plan will provide between 120 and 130 additional units during the Plan period<sup>78</sup>. The Council considers that this level of housing would constitute around 80% of Markyate’s district housing allocation share and 50% of the locally generated dwellings need.
- 7.38.5. The Council argues that this level of development is essential to support the rural economy and rural life at Markyate and help to make adequate provision to meet local needs in accordance with the objectives of the Structure Plan. It considers that encouraging some development would help population stability and the retention of younger households, which would help to ensure a better population mix and sustain community services and facilities. It also considers it appropriate to take account of the level of need and support for further development evidenced by the independent village appraisal<sup>79</sup> and the views of the Parish Council.
- 7.38.6. I share the view of the Structure Plan EIP panel that in view of its remote location, limited infrastructure and poor accessibility by public transport Markyate is not a suitable location for significant additional housing development. The question,

<sup>75</sup> I deal with the issue of the appropriate detailed boundaries for this extension in section 4.40 of my report.

<sup>76</sup> See LPA Doc No. 524 DBC/2/A for these calculations.

<sup>77</sup> Most of these would be on unidentified sites. 29 already had the benefit of planning permission as at 31/03/99.

<sup>78</sup> These figures include the 39 dwellings that were completed between 1/4/91 and 31/3/99.

<sup>79</sup> Markyate Village Appraisal 1995/96 –

therefore, is whether local needs justify the level of housing proposed in the Plan, particularly the allocation of the two greenfield sites, which would accommodate some 40 dwellings.

- 7.38.7. The Markyate Village Appraisal suggests that in 1995/96 there was a local housing need for around 100 dwellings within the village<sup>80</sup>. Although the Appraisal was not as statistically rigorous as a full housing needs survey as it included responses from 82% of the community, I accept that it probably represented a reasonably realistic portrait of local housing need at the time it was undertaken. When future needs are also taken into account I consider that the Council’s conclusion that a level of provision of around 120 to 130 dwellings would be appropriate to meet local need does not appear unreasonable.
- 7.38.8. Given the very high level of out-commuting<sup>81</sup> it is in my view questionable whether seeking to meet local needs is in fact the most sustainable strategy for the settlement. However, it is clear from paragraph 71 of PPG3 that the Government attaches considerable weight to the need to continue to provide adequate housing in rural areas to meet the needs of local people. In particular it requires local planning authorities to make sufficient land available either within or adjoining existing villages to enable these local requirements to be met.
- 7.38.9. In the light of this advice, the clear evidence of a local housing need and bearing in mind the decline in local services and facilities within the village in recent years, I find that the level of housing provision proposed for Markyate is appropriate. However, I can find no evidence to indicate that a higher level of housing would be warranted. Even if the additional housing were to give added support to local services, as has been suggested by some objectors, I consider that this benefit would be far outweighed by the impact of the additional out-commuting, both to work and school<sup>82</sup>, that would be likely to arise. I have therefore considered the objections to both the housing proposal sites H44 to H47 and the various omission sites put forward by objectors (see section 7.61 of the report) within this overall context.
- 7.38.10. In reaching this conclusion, I have noted the suggestion that the housing strategy for Markyate does not follow the sequential test set out in PPG3. However, it would appear from paragraphs 69 to 71 that the sequential test was not expected to be directly applicable to the limited expansion of rural villages. I do not accept the contention that Markyate fails to meet the tests in paragraph 70, since I am satisfied that additional housing is necessary to meet local needs. In any case, it is clear that these tests are intended to relate to the provision of significant additional housing. In my view the level of provision proposed in the Plan is not significant in relation to the overall size and population of the village or to the overall housing requirement for the Borough. I am not persuaded therefore that in principle the strategy is in conflict with the overall aims of PPG3. Having said this it seems to me that the strategy would accord more closely with the spirit of PPG3 if the proposed housing provision was phased to ensure that previously developed sites within the built-up area were

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<sup>80</sup> It indicates that 176 existing households were looking for alternative accommodation within the Parish. Of these some 72 were seeking to move within the village. In addition another 56 individuals were seeking to set up separate households of whom 29 were looking for another dwelling within the village.

<sup>81</sup> The Appraisal indicated that 76% of existing residents are employed outside the Parish.

<sup>82</sup> As there is no secondary school in the village, secondary level pupils have to be bussed to nearby towns.

developed before greenfield sites. I would recommend, therefore that the greenfield proposal sites should be moved to Part II of the Schedule of Housing Proposal Sites.

**(a) *Appropriateness of site for housing***

7.38.11. The objectors raise a number of points in relation to this site. These include the impact of any development on the AONB; the effect on the character of the village; the loss of vegetation and outlook; the need to protect agricultural land, the extra traffic that would be generated and its impact on highway safety; the adequacy of the existing infrastructure; the accessibility of the site; parking congestion; the effect on the Hertfordshire Way; and whether the proposed development would make best use of the land. I have therefore considered these issues in turn.

***Impact on Chilterns AONB***

7.38.12. The site constitutes an area of approximately 0.8 hectares on the western edge of the village. It forms part of a larger grassed field on the southern side of Buckwood Road, which follows the line of a dry valley. The site falls within the boundary of the Chilterns AONB. It is abutted on its eastern and southern sides by relatively dense hedgerows. A sparser trimmed hedge marks the northern boundary with Buckwood Road. There is no existing feature marking the proposed western boundary of the site. FP17, which forms part of the Hertfordshire Way, runs along the eastern boundary of the site. Another footpath (FP16) runs along the hedgerow further to the west adjacent to an isolated property known as “Gooseacre”.

7.38.13. Although the existing hedgerows to the east and south partly screen the site from the adjoining footpaths, the site is visible from some viewpoints on the adjacent section of the Hertfordshire Way, as well as from footpath 16 further to the west. It is also visible from Buckwood Road and from other viewpoints from within the village, notably Cowper Road. In addition it can be seen from a number of viewpoints on the eastern side of the Ver Valley, particularly from FP1, which runs up from the A5 to Windmill Road.

7.38.14. I appreciate that the site is not unduly prominent from more distant viewpoints. Nevertheless, I consider that due to the impact on more localised views any housing development in this location would form a clear visual intrusion into the attractive, open rolling landscape of the AONB on the western side of the village. The visual impact would be heightened by the fact that there is currently no existing landscape feature separating the site from the wider open countryside to the west. While I have no doubt that new landscaping could be provided, this would take sometime to mature and in my view it would be many years before it would successfully screen any development from the adjoining area of the AONB.

7.38.15. I am also concerned that the creation of access to the site would necessitate the widening of the road and the removal of hedgerows. It could also involve other road improvements. In my view these features would be likely to impart a more urban character to this section of Buckwood Road, which would detract from its present attractive rural appearance. I consider, therefore that the development of housing on this site would result in a significant visual intrusion which would be detrimental to the character of the AONB. As such I consider the Proposal would be contrary to the aims of Policy 42 of the adopted Structure Plan Review.

7.38.16. In reaching this conclusion I have taken into account the fact that the new dwellings would be seen against the backdrop of the existing post-war housing on Buckwood Road from some viewpoints. However, the boundary of the western edge of the village is in my view generally well defined by established vegetation. In contrast the proposal site is visually contiguous with the open countryside to the east. I have also noted the suggestion that the proposed landscape buffer along the western boundary would help to soften the impact of the existing development on Buckwood Road, but in my view the western edge of the village is already sufficiently well defined. In the circumstances, I am not satisfied that these factors are sufficient to outweigh the serious impact the development would have on the character of the AONB.

***Effect on character of village***

7.38.17. The older part of the village is linear in form and follows the line of main valley of the River Ver. However, in the years following WWII the village expanded up the western sides of the valley and along the subsidiary dry valleys marked by Buckwood Road and Pickford Road. The proposed development at H44 and H45 would be a continuation of this later expansion.

7.38.18. While the development would be in keeping with the overall scale of the settlement and would follow the pattern of the more recent expansion, it fails in my view to adequately reflect the traditional form of the village. As such I consider that the development would conflict with the principles set out in the Chilterns Buildings Design Guide (CD65). In particular it would result in development on an open slope and would extend the built-up area along Buckwood Road. As such I find it would be contrary to at least two of the 6 factors set out in the checklist at paragraph 3.9 of the Guide. I conclude therefore that the proposed expansion would also have a deleterious effect on the character of the village.

***Loss of vegetation and outlook***

7.38.19. Although the hedges along the southern and eastern boundaries should be unaffected, it would appear that some, if not all the hedgerow along the road frontage would have to be removed to provide adequate visibility for the new access to the site. Even if the hedgerow were subsequently replanted, I consider that the visual impact of the widened road and visibility splays plus the likely introduction of pavements would detract from the current attractive rural appearance of this section of Buckwood Road and consequently from the character of the AONB.

7.38.20. Development of the site would have little immediate impact on the residential amenity of the occupiers of the adjacent housing to the east, owing to the dense hedge along the eastern boundary. However, I accept that the view of open countryside that is currently enjoyed by a number of residents on the northern side of Buckwood Road, as well as by some occupiers of properties in Cowper Road and Cavendish Road, would change. However, I do not consider that the loss of outlook would be so serious as to warrant rejecting the proposal for this reason.

***The need to protect agricultural land***

7.38.21. PPG7 makes clear that development of greenfield land, including the best and most versatile agricultural land, should not be permitted unless opportunities have been

assessed for accommodating development on previously developed sites. Where development on agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality, except where other sustainability considerations suggest otherwise.

- 7.38.22. In this case the Council has indicated that the land is of Grade 3 agricultural quality. The agricultural land classification map does not show whether it is Grade 3a or Grade 3b<sup>83</sup>. Consequently, it is not entirely clear if it falls within the definition of the best and most versatile agricultural land or not. However, the amount of land lost in this case would be very small. In the circumstances, even if it was Grade 3a quality, which seems unlikely, I consider that in view of its proximity to the village centre and the school sustainability considerations would be sufficient to outweigh the loss of agricultural land. Consequently, I am not satisfied, that the need to protect agricultural land would be sufficient to justify deleting this site.

***Traffic and highway safety***

- 7.38.23. The Highway Authority accepts that the junction of Buckwood Road and High Street is substandard in highway terms. Not only are visibility splays well below the normal standard<sup>84</sup> but the radii to the left is well below that required by the Roads in Hertfordshire Design Guide (CD107)<sup>85</sup>. In addition, 70 metres back from the junction the road narrows where it abuts the fire station to only 3.5 metres in width, which means that it is impossible for 2 vehicles to pass. It is hardly, surprising therefore that the Markyate Village Appraisal found that 78% of those questioned supported action to improve road safety at this location<sup>86</sup>.
- 7.38.24. The junction of Cavendish Road and High Street also has sub-standard visibility splays and radii. Indeed, visibility to the left is even worse than at Buckwood Road. While there is no evidence that any of the 8 personal injury accidents that occurred between 1995 and 2000 were directly related to the operation of either junction, it is clear that the 2 most serious accidents occurred in very close proximity to the Buckwood Road/High Street junction.
- 7.38.25. Current traffic flows on Buckwood Road are around 300 vehicles during the AM peak hour, 90% of which are travelling eastbound. During the PM peak there are around 210 vehicles of which 67% are travelling westwards. It is expected that the development of H44 would result in a further 20 movements at peak hours. During the AM peak 80% of these would be outbound. The situation would be reversed in the PM peak. There would therefore be an increase in flows of some 6.6% in the AM peak and 9.5% in the PM peak following the development of H44.
- 7.38.26. The actual number of additional vehicles using the junction with High Street would depend on the traffic split. As the main centres of employment lie to the east, north and south of the town, I judge that most of the additional traffic would travel east along Buckwood Road during the AM peak and west during the PM peak. I note the

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<sup>83</sup> I note that the landowner’s assessment classifies it as Grade 3b (See O/4785/1B)

<sup>84</sup> Current visibility splays are Right: 2.4m x 38m. Left 2.4m x 21m. This compares to a standard of 4.5m x 90m for a 30 mph design speed.

<sup>85</sup> Current radii are R: 12.5m. L: 2.4m. The standard in CD107 is 10.5m.

<sup>86</sup> This was the highest level of support for any of the 7 locations which were canvassed.

suggestion that some vehicles may use Cavendish Road owing to the location of the primary school. However, since the school would be within reasonable walking distance I consider that any additional use of the Cavendish Road junction is likely to be extremely limited. In the circumstances, I consider that in assessing the potential impact it would be reasonable to assume that 100% of the additional movements would pass through the Buckwood Road/High Street junction. Even if some of the vehicles did use the Cavendish Road/High Street junction I am not satisfied that this would significantly alter the overall impact on highway safety as this junction is also seriously sub-standard.

- 7.38.27. The Highway Authority argues that as the predicted traffic flows would be small, existing vehicle speeds are low and there have been no personal injury accidents at either junction, the allocation would not be contrary to criterion (g) of Policy 9. However, I would seriously question this assessment. It seems to me that encouraging additional traffic to use a seriously sub-standard junction is likely to increase the potential for accidents to occur. If the traffic from H45 was also factored into the equation, I consider that the risks to the safety of other road users would be considerably increased. In my view, therefore the development of H44 would conflict with the aims of criterion (g) of Policy 9. In the circumstances, I consider further development on Buckwood Road would only be appropriate if traffic flows could be reduced to existing levels. I have examined the prospects of this being achieved in paragraphs 7.39.11-14.
- 7.38.28. In reaching my conclusions on the highway impact of Proposal H44 I have noted the concerns of some objectors regarding the safety of pedestrians, particularly children walking to school. Since the two serious injury accidents which occurred to the north of the Buckwood Road/High Street junction and one of the two accidents that happened on Buckwood Road involved pedestrians of school age I can understand local residents concerns. However, I am not persuaded that the growth in traffic would be of such proportions as to significantly increase the risk to pedestrians. If difficulties were to arise for children crossing Buckwood Road, I consider that this could be addressed through the provision of appropriate traffic calming and/or a pedestrian crossing.
- 7.38.29. I have also taken into account the comments made about the disruption that would be caused by construction traffic. I have no doubt that the use of Buckwood Road by larger vehicles would have an impact on highway safety and possibly also on residential amenity owing to its narrow width and the substandard visibility and turning radii of the junction with High Street. However, as the duration of construction traffic would be relatively short I do not consider that it would be likely to cause serious problems.

#### ***Capacity of local infrastructure***

- 7.38.30. Objectors argue that the village is not a suitable location for additional housing as public transport services are limited and the range and quality of facilities and services is poor. They also question whether the existing school could accommodate the additional children and point out that the lack of a secondary school would mean more children having to travel. Concern is also expressed the capacity of local health facilities and drainage. The Council accepts that the existing infrastructure is poor. However, it considers that the provision of some additional housing would help to

support existing services in the village. It also maintains that there would be sufficient capacity at the local school to support the additional development.

- 7.38.31. Turning first to the adequacy of the existing transport infrastructure, I note that there are hourly bus services to Dunstable and St.Albans on weekdays and Saturdays and a less frequent service to Luton and Hemel Hempstead. Only the former runs in the evenings. Sunday service is limited to a 2 hourly service to Dunstable and St.Albans. I accept, therefore, that the village is not well served by public transport. However, I do not consider that the standard of service is so poor as to merit ruling out the possibility of some limited housing growth to meet local needs.
- 7.38.32. I accept that the range of shops available in the village is limited and that some have closed in recent years. Clearly, therefore residents will need to visit nearby towns for major shopping trips. However, the village retains most basic necessities at present. While it cannot be guaranteed that the development of the additional housing would ensure the retention of the remaining facilities, it is apparent that without some limited additional housing to meet local needs the population of the village would be likely to decline. This could place greater pressure on existing facilities. On balance, therefore, I consider that the benefits of the additional housing are likely to outweigh the disadvantages in terms of its impact on the existing infrastructure.
- 7.38.33. In respect of the local primary school, I note that the Education Authority has received a Government grant towards the provision of an additional classroom. It considers that the works are likely to be carried out before development takes place. It seems likely, therefore, that the school would be able to accommodate the additional primary pupils that are likely to arise from the 40 dwellings the Plan proposes on H44 and H45. In terms of secondary education, I accept that the additional housing would result in an increase in the number of pupils who have to travel out of the village to be educated. However, the total number of secondary pupils generated by H44 and H45 is likely to be no more than 7 in the longer term. Consequently, I do not consider that the sustainability impact would be of such significance as to justify refusing to permit the development of Proposals H44 and H45.
- 7.38.34. As for the arguments about the capacity of the existing doctor’s surgery, no substantive evidence has been presented to support the contention that it would be unable to cope with the additional population. In the absence of such evidence I find no reason to question the Council’s view that it is likely to be able to accommodate the additional patients.
- 7.38.35. Finally, turning to the issue of drainage, I note that serious problems with flooding in the village appear to be largely confined to the Roman Way area. A flood alleviation scheme is proposed in Markyate Cell Park to address this. As this has been designed to meet a 1 in 150-year flood risk I consider that it should resolve existing problems. In any case, the development of the two small areas of land at Buckwood Road would be unlikely to add significantly to existing flooding problems in Roman Way. I accept that they might have an impact on localised surface water run-off but in my view appropriate on-site drainage works could adequately address this. I am not satisfied, therefore, that the development of H44 would add to existing drainage problems.

***Accessibility of the site***

- 7.38.36. It is suggested by at least one objector that the site would be less accessible than an alternative site at Manor Farm. I deal with the accessibility of other sites that have been suggested in Markyate in section 7.61 of my report. Turning to the accessibility of this site, I note the nearest bus stop would be some 500 metres away on High Street, which is greater than the Highway Authority’s standard of 400 metres. I appreciate that it may not be appropriate to apply this standard in the case of an isolated rural village where services are relatively infrequent. However, if one takes into account the change in level, which would be between 5 and 10 metres, and the actual distance to the new dwellings<sup>87</sup>, I consider that the distance is likely to be sufficient to discourage future residents of the site from using public transport.
- 7.38.37. As far as access to the local centre is concerned I note that the walking time from the nearest point of the site to the Happy Shopper and newsagents would be around 6 minutes. The time to the Bank and Post office would be around 8 minutes to the dental surgery and hardware store around 11 minutes<sup>88</sup>. I consider, therefore that in general terms the site would be within reasonable walking distance of the village centre. However, the distance to the dwellings combined with the difference in level is likely to limit visits to the shops on foot to situations where only a limited amount of shopping is required.
- 7.38.38. The primary school, which is located on Cavendish Road, would be much closer at only 240 metres. It would be even closer if either the proposed link road or a footpath link were constructed through H45. It would be further from the village hall and recreation ground but still within reasonable walking distance. I accept, therefore that the site would be well related to existing social, community and leisure facilities within the village.
- 7.38.39. Overall, I consider that the site would be sustainable in terms of its impact on the existing infrastructure and its accessibility to existing facilities, particularly when compared to many of the other sites within the village that have been suggested by objectors. However, the alternative site at Manor Farm would in my view be equally, if not more, sustainable in these regards (*See paragraphs 7.61.2 to 7.61.18*).

***Parking congestion***

- 7.38.40. It is clear from the Markyate Village Appraisal that local people are concerned about parking with 49% of those questioned considering there was inadequate parking near where they lived and 73% believing that the village needed more car parks. However, while I accept that there is a degree of congestion in the village centre, I do not believe that this would justify ruling out limited additional housing for the reasons I have already set out at paragraph 4.8.24 of my report. In my view the question of parking congestion in the village centre would be better addressed through an appropriate parking survey and the provision of additional off-street parking should the survey

<sup>87</sup> The 500 metres were measured from the nearest point of the proposal site. The distance to the furthest point would be some 625 metres. The distance to the dwellings would be somewhere between these two figures.

<sup>88</sup> This is based on the figures in Appendix LW6 of Document O/781/1A, which were not disputed by the Council.

indicate that there is a clear need for such provision. I would recommend that the Council consider undertaking such a survey.

***Effect on Hertfordshire Way***

7.38.41. The development of H44 would mean that a short section of the Hertfordshire Way would pass between the existing housing on Buckwood and Parkfield Roads and the new housing. Although there are some partial views out to the open countryside to the west, this section is for the most part reasonably well enclosed by the existing hedgerows on either side. In the circumstances, I consider the impact on the adjoining section of the Hertfordshire Way would be limited. Nevertheless, the closing off of the partial views would, in my view, diminish walkers’ enjoyment of the rolling landscape of the AONB.

***Housing density and making best use of land***

7.38.42. It is suggested that the development would fall below the density recommended in PPG3 and would therefore not make best use of the land in accordance with national advice. Twenty houses on 0.8 hectares would result in a gross density of only 25 dwellings per hectare, which would be well below the range stipulated in PPG3. However, the Council points out that the development would involve a 15 metre wide landscape buffer along the western boundary. The net density would therefore be in the region of 31.5 dwellings per hectare<sup>89</sup>. This would be above the minimum figure in PPG3. As the site would be on the edge of the village and within the AONB I consider that a density at the lower end of the range would not be unreasonable. I do not consider, therefore, that the development would conflict with the objective of making best use of land.

***Conclusions***

7.38.43. I conclude that development of the site for housing would extend the built-up area of Markyate onto the open slopes of the attractive dry valley, which runs westwards towards Whipsnade. In my view this would have a harmful impact on the visual quality of the AONB, particularly as the land is currently not screened from the open countryside to the west. Although it would be in scale with the size of the village, it would contrast with the traditional form of the settlement. It would also result in the loss of hedgerow along the road frontage. While the visual impact might eventually be mitigated by the proposed landscaping this would take a long time to establish. I consider, therefore, that overall it would have adverse effect on the character of the AONB and of the village.

7.38.44. I am also concerned that in view of the substandard nature of the junction with High Street and the narrow width of Buckwood Road that even a modest increase in traffic could increase the potential for accidents to occur. I consider therefore that further development in this location should be resisted unless it can be guaranteed that traffic levels could be reduced to current levels. I accept that the existing infrastructure has the capacity to accommodate the proposed level of development and the site is relatively accessible. In addition, I judge that it should not seriously exacerbate

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<sup>89</sup> Document O/784/1, as amended, refers to a density of 34 dwellings per hectare but this is based on a 20 metre wide landscape strip.

existing parking congestion in the village and it would have a limited impact on the Hertfordshire Way. In my view, the net density would also be acceptable. However, I consider that none of these matters are sufficient to outweigh the damage to the AONB or my concerns regarding the potential impact on highway safety. I conclude, therefore, that regardless of the obvious local need Proposal H44 should be deleted and I recommend that the Plan should be modified accordingly.

**(b) *Enlarging the site***

- 7.38.45. The owner of the land (4785) has suggested that the area of the proposal site should be extended so that the western boundary aligns with the western boundary of H45. However, I can find no justification for the provision of a higher level of housing. Moreover, in my view such an extension would not only serve to exacerbate the impact on the AONB but by adding to the number of traffic movements it would also increase the potential for accidents to occur. I therefore do not support this suggestion. Even were H44 and H45 to be retained in the Plan I can see no real advantage in aligning the boundaries of the two sites, since it would not, in my opinion, help to reduce the visual impact of the developments. Consequently, I recommend that no modification should be made to the Plan in response to this objection.
- 7.38.46. In reaching my conclusion on this issue I have noted the offer to make the provision of the playing fields at Cavendish Road permanent. However, for the reasons I set out in paragraph 7.38.49 below I am not satisfied that this is sufficient to outweigh my concerns about the proposed enlargement.

**(c) *Planning requirements***

- 7.38.47. Mr and Mrs Mead (713) and Markyate Parish Council (3210) support the proposal but are concerned about the impact of the additional traffic. The Parish Council suggests that traffic management measures will need to be carried out in Buckwood Road. Although I have recommended that the site be deleted, in view of the sub-standard nature of Buckwood Road and its junction with High Street I accept that if the scheme were to go ahead it would be imperative for highway improvements and traffic calming measures to be undertaken. In the circumstances, I consider that this should form part of the planning requirements for Proposal H44 if it is retained in the Plan.
- 7.38.48. The Parish Council also request that all affordable housing should be available for rent and reserved for local people in perpetuity and that there should be substantial landscaping and planting. Since the requirements already refer to the need for a substantial landscape buffer I am satisfied that this matter is already adequately addressed by the Plan. The proportion of affordable housing that should be available for rent and its subsequent occupation is in my opinion a detailed matter that is better addressed outside the context of the Plan. I see no need, therefore, for any modification in respect of these points.
- 7.38.49. The landowner (4785) has suggested that the benefit of securing the permanent provision of 2.0 hectares of playing fields at Cavendish Road should form part of the material planning considerations in respect of this site, when considered in conjunction with H45. I accept that without these fields there would be a shortfall of formal recreational space in the village. However, these playing fields are already available to the local population on a temporary basis and an offer has been made to transfer the

land to the Parish Council. More importantly, the development of H44 and H45 would not themselves necessitate the provision of any additional recreational space based on the Council’s standards of open space provision. Consequently, I do not consider that it would be reasonable for the planning requirements to be amended to require the provision of these playing fields. In the circumstances, I attach limited weight to the offer to make the provision of these playing fields permanent.

**(d) Educational provision**

- 7.38.50. The County Council (4670) contends that provision for additional educational facilities should be required and should not be limited to primary educational facilities. The Borough Council accept this and propose under PIC45 to make the appropriate modification to the planning requirements. Gleeson Homes (5242PC) argue that the revised text is less clear than the original requirement as it implies provision is required on the site. Old Road Securities plc (5718PC) consider that the reference to educational facilities is too prescriptive and contend that it should be qualified by evidence of need and reasonably related to the development.
- 7.38.51. It is apparent from the evidence from the Education Authority that at the time of the Inquiry the local primary school had 7 permanent classrooms, plus a nursery class, and a complement of 183 pupils. Since the standard number for school entry is 35 the school has a theoretical legal capacity of 245 pupils. However, changes to the law in respect of Key Stage 1 has meant that class sizes for the infant classes must not exceed 30, which effectively means that the actual capacity would be 230. It would appear, therefore, that the school should be able to readily accommodate the 10 additional primary school places that are predicted to be required in the longer term as a direct result of the development of H44 and H45.
- 7.38.52. My view is reinforced in this case by the fact that the County Council has already sought and obtained Government funding for the provision of an additional classroom and expects this work to be carried out before development takes place. This seems even more likely, if as I have recommended any greenfield development at Markyate were held back until 2006. I am not satisfied therefore that there is a need for the developer of this site to make a contribution towards primary educational facilities.
- 7.38.53. I note, however, that the secondary schools that serve Markyate are full. In addition, as secondary pupils are entitled to free school transport further development that would generate additional secondary level pupils would place a direct burden on public funds. The Education Authority has calculated that the development of H44 and H45 would result in the need for 7 additional secondary places in the longer term. I consider, therefore, that should the site be retained in the Plan it would be reasonable to require a contribution to be made towards the additional facilities that would be required at secondary level.
- 7.38.54. As PIC45 refers to provision rather than a contribution, I accept that it could be taken to mean that provision would have to be made on site, which is clearly inappropriate in this case. I consider, therefore that if the site is retained the wording would need to be changed to refer to “a contribution towards the provision of additional educational facilities will be required” in order to be consistent with the planning requirements for other proposal sites.

**(e) Land at Lock Field, New Road, Northchurch**

7.38.55. I have already dealt with this issue at paragraph 4.6.10 of my report. As the additional provision at Markyate is intended solely to meet local needs I do not consider that it would be appropriate to give greater preference to the development of the land at Lock Field, New Road, Northchurch. I, therefore recommend that no modification should be made to the Plan in response to this objection.

**Recommendation**

7.38.56. **The Plan be modified by the deletion of Proposal Site H44 from the Schedule of Housing Proposal Sites.**

7.38.57. **In addition, the Council considers undertaking a parking survey for Markyate.**

**7.39. HOUSING PROPOSAL SITE H45  
LAND AT BUCKWOOD ROAD/CAVENDISH ROAD, MARKYATE**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
662	D M Rowland	790	D J, C A & S K Grace
664	N J Holmes	1297	CPRE - The Hertfordshire Society
669	Mrs L Penman	1582	Chilterns Conference
673	T G Deakin	1641	W R Pollock
676	Mr L Dumbleton	1685	W Mortimer
679	Mr & Mrs L Ward	1687	Mr & Mrs D M Robinson
682	I F Woolley	1689	L & P Orr
685	Mr & Mrs Stonelake	1892	Chiltern District Council
688	Mr & Mrs T James	2986	Mr & Mrs W Thomas
693	Mr & Mrs Putman	3211	Markyate Parish Council
695	Kitty Wilby	3833	Old Road Securities plc
698	Mr & Mrs S Greenaway	4054	HCC Environment Department
700	Mrs L K Thurston	4120	Mr Tony Evers
702	Ann Cahill	4671*	HCC Corporate Services Department
704	Mr L Pearce	4729	Mr S W Biart
705	Miss M Williamson	4739	Gleeson Homes
709	Mr & Mrs G Angel	4823	The Directors of Shendish Manor Estate
714	Mr & Mrs G S Mead	4889L	Mr P Kosowycz
717	G H & I J Southwood	4911L	J M Plant
721	Mrs P M Copleston	4914L	Jean Plant
782	Ms C Barrett	4919L	Mr & Mrs K Rangel
787	Mrs Linda Bates	5781	Linden Homes South-East Ltd

**Counter Objections**

To Pre-Inquiry Change 46			
5243PC	Gleeson Homes	5719PC	Old Road Securities PLC

**Support**

712	Mr David Shillitoe
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**Key Issues**

- (a) Is land north of Buckwood Road, Markyate (Proposal Site H45) a suitable location for housing. (662, 664, 669, 673, 676, 679, 682, 685, 688, 693, 695, 698, 700, 702, 704, 705, 709, 717, 721, 782, 787, 790, 1297, 1582, 1641, 1685, 1687, 1689, 1691, 1892, 2986, 4054, 4120, 4729, 4739, 4823, 4889L, 4911L, 4914L, 4919L, 5243PC)
- (b) Should the site be enlarged. (3833)

- (c) Are the planning requirements appropriate or should the issues they address be resolved through a development brief. (714, 3211, 3833)
- (d) Is the planning requirement relating to educational provision appropriate. (4671, 5243PC, 5719PC)
- (e) Should the site be able to come forward for development before land at Lock Field, New Road, Northchurch [H53]. (5781)

## Inspector’s Conclusions

### *General comments*

7.39.1. As I have already addressed the issue of the overall housing strategy for Markyate in paragraphs 7.38.1 to 7.38.10 of my report I do not propose to reiterate these comments. The objectors in respect of H45 refer to many of the issues raised in respect of H44. As I have already dealt with many of these issues in detail in the preceding section I shall only deal at this point with matters that relate specifically to H45.

#### *(a) A suitable site for housing?*

##### *Impact on AONB*

- 7.39.2. Proposal site H45 is some 0.94 hectares in area and forms part of a much larger field on the northern side of the same dry valley as H44. This site also falls within the Chilterns AONB. It is bounded on its southern, eastern and northern sides by dense hedges. The western boundary, however, is currently not marked by any landscape feature. The site is therefore visually and physically contiguous with the open countryside to the west. On the eastern side the modern terraced housing in Buckwood, Cowper and Cavendish Roads flanks it. To the north lie the grounds of the local primary school.
- 7.39.3. Development of the site would, in my view, form a clear intrusion of the built-up area of the village onto the open slope of the valley side. Indeed, as this site is highly visible from Footpaths 16, 17 and 18, which run down the southern side of the valley, the new housing would form a far more prominent feature within the attractive rolling landscape of the AONB than the housing on H44. The extent of the visual intrusion would be reinforced by the lack of any existing screening to the west. In addition I consider that the removal of much of the hedgerow along the Buckwood Road boundary and the associated highway improvements, would substantially erode the attractive rural character of this section of the road.
- 7.39.4. While substantial new planting could no doubt be undertaken along these boundaries this would take some years to establish. I am not persuaded, therefore, that it would significantly mitigate the visual impact of the development of the site during the Plan period. Moreover, even after the landscaping had become established, I consider that the development would still be prominent from the footpaths to the south. Consequently, it would continue to form a visual intrusion into the AONB.
- 7.39.5. I appreciate that the site does not extend as far westwards as the existing school grounds to the north, which act as a backdrop to the site from viewpoints to the south. However the grounds are surrounded by a dense hedge, which effectively screens the

whole of the school site from the adjoining area of the AONB. Consequently, I find that they have little impact on the contribution the site makes to the open rolling landscape of the AONB. While the proposed housing would be seen from the footpaths to the south within the same vista as the existing housing to the east, the edge of the built-up area is clearly defined. In my view therefore the site relates more closely to the open countryside to the west than to the existing housing to the east.

- 7.39.6. Overall, I find that the development of the site for housing would result in a significant visual intrusion which would detract from the enjoyment of the pleasant rolling landscape of the AONB, particularly for walkers using the footpaths to the south, including the Hertfordshire Way. Consequently, I conclude that it would cause harm to the character and appearance of the AONB. It would, therefore, conflict with the objectives of Policy 42 of the Structure Plan Review.

***Effect on character of village***

- 7.39.7. Although the scale of the development would be in keeping with the size of the village and need not look unduly out of place alongside the modern housing on Buckwood Road etc, I am not satisfied that it would pay sufficient regard to the traditional form of the village. I consider, therefore, that the development of the site could cause harm to the character of the village and would be contrary to the aims of the Chilterns Buildings Design Guide (CD65). This adds to my concern about the impact of the proposal on the AONB.

***Loss of vegetation and outlook***

- 7.39.8. The hedgerows on the northern and eastern sides should be unaffected by the development. However, over 100 metres of the hedgerow along the road frontage may have to be removed in order to construct the access road, including appropriate visibility splays, and an extension to the existing pavement. I appreciate that it might be possible to reduce this to around 85 metres by constructing a mini roundabout but I consider the benefit gained from a small reduction in the amount of hedgerow that would be lost would be more than offset by the visual impact of the roundabout. I acknowledge the hedgerow could be replanted. However, not only would this take some time to establish, but since it would be set back behind the visibility splay it would also fail to retain the present rural character of this section of Buckwood Road. I conclude, therefore, that development of the site would result in an unacceptable loss of existing vegetation.
- 7.39.9. As the site is separated from the adjoining housing to the east the proposed housing would have little impact on the outlook of adjoining occupiers. As the housing to the south of the road does not extend as far west as this site it would also have a limited impact on the views from properties on the southern side of Buckwood and Parkfield Roads. However, this does not outweigh my concerns about the impact on the AONB.

***The need to protect agricultural land***

- 7.39.10. Once again the agricultural land classification map shows this land as being of Grade 3 quality. However, no work appears to have been undertaken to assess whether the land falls within Sub-Grade 3a or 3b. It is not possible therefore to determine from the

evidence whether or not it comes within the category of the best and most versatile agricultural land or not. However, since it forms only a very small part of a much larger field I do not consider that the loss of this land to agriculture would cause serious harm, even if it were subsequently established that any of it should be classified as Grade 3a. My view is strengthened in this case by the site’s accessibility to local facilities, especially the local primary school.

***Traffic and highway safety***

- 7.39.11. I have already indicated in paragraphs 7.38.23 to 7.38.29 that I consider that a development of 20 additional houses on Buckwood Road would increase the potential for accidents to occur. If both H44 and H45 were developed vehicle movements along Buckwood Road in peak hours would increase by 40. This would result in a 13.3 % increase in flows during the AM peak and 19% in the PM peak. Despite the views of the Highway Authority I consider that this level of increase could have a significant impact on highway safety bearing mind the seriously substandard nature of the Buckwood Road/High Street junction and the Cavendish Road/High Street junction and the narrow width of sections of Buckwood Road.
- 7.39.12. I note the suggestion of the developer (3833) that existing flows could be reduced by the provision of traffic calming measures and by improvements to the Buckwood Road/High Street junction. However, in the absence of any clear evidence as to where the vehicles using Buckwood Road are actually coming from it is questionable whether the proposed traffic calming features would actually increase driving times sufficiently to persuade a significant number of drivers to use the B4540 and the Kensworth junction to access the A5 rather than travelling through Markyate. Moreover, I am concerned that the introduction of some of the suggested traffic calming features, notably the entrance gateway and mini-roundabout would detract from the rural quality of the AONB.
- 7.39.13. Although it may be possible to undertake some enhancements to the Buckwood Road/High Street junction it is unlikely that the sub-standard visibility or turning radii could be significantly improved owing to the severe constraints imposed by the existing buildings and the fact that the junction lies within the Conservation Area. The introduction of speed cushions on the main bus route would be clearly contrary to the Highway Authority’s policy and could cause inconvenience to bus passengers. While alternative methods of reducing speeds may be possible I consider that these could unduly impede the movement of traffic on the High Street, particularly buses. The possibility of increased journey times for existing bus services due to the resulting congestion concerns me as this could discourage local people using public transport.
- 7.39.14. More importantly, the proliferation of traffic calming features and warning signs would, in my view, fail to preserve or enhance the character and appearance of the Conservation Area. In the circumstances, while I note the Highway Authority’s agreement that a package of measures could be agreed, I am not satisfied that there is sufficient certainty that a suitably sensitive scheme of measures could be achieved which would mitigate the highway safety concerns. This strengthens my view that the allocation of housing proposal sites on Buckwood Road would be inappropriate.

***Capacity of the existing infrastructure***

7.39.15. I am satisfied that the existing infrastructure has the capacity to accommodate the additional dwellings proposed on H45 for the reasons I have already set out in paragraphs 7.38.30 to 7.38.35. I am satisfied that this would be the case even if both H44 and H45 were developed.

***Accessibility of the site***

7.39.16. In terms of accessibility H45 would be much closer to the local primary school. It would also be closer to the village hall and recreation ground. In contrast the distance to the nearest bus stop would be some 50 metres greater than that for H44. It would therefore also be beyond the Highway Authority’s recommended distance of 400 metres. When the slope and the actual distance to the new housing is also taken into consideration I consider that there is even greater likelihood in the case of H45 that the distance would be sufficient to discourage future occupiers from using public transport. The distance to the local centre would also be slightly greater. However at 550 metres it would be well within the distance used by the Borough Council in its assessment of the sustainability of housing sites. I am satisfied, therefore, that the local centre would be accessible on foot. Overall, therefore, while I consider that the site is poorly located in respect of public transport services I find it would be reasonably well related to local facilities.

***Parking congestion***

7.39.17. While I appreciate that there are problems of parking congestion in Markyate, I do not consider that the limited additional housing development proposed in the Plan would seriously exacerbate this problem. I am not persuaded, therefore, that it would justify the deletion of H45.

***Making best use of the land***

7.39.18. One objector again argues that the development would not make best use of the land contrary to the aims of PPG3. The Council points out that the density of 23 dwellings per hectare was based on the gross area of the site and ignores the 15 metre wide landscape buffer that would be required on the western boundary. If this is taken into account the Council argues that overall net density for H44 and H45 would be 30 dwellings per hectare. However, if one considers H45 alone the density would be only 28 dwellings per hectare, which would fall below the range stipulated in PPG3.

7.39.19. I appreciate that the requirements include provision for a link road. However, Annex C of PPG3 makes clear that only major distributor roads should be excluded from the calculation of net density. I do not consider that the link road would fall within this category, as it would not serve to distribute significant amounts of traffic. Consequently I find that the proposed capacity for H45 would not make best use of the land contrary to the aims of PPG3.

***Conclusion***

7.39.20. In conclusion I find that the development of H45, including the associated road improvements, would have a detrimental impact on the character and appearance of

the AONB, particularly when viewed from the public footpaths on the south side of the valley. In my view, the proposed landscaping would be insufficient to mitigate the harm. I judge, therefore, that the proposal would be contrary to Policy 42 of the adopted Structure Plan Review. I also consider that the development would pay insufficient regard to the traditional form of the village and lead to an unacceptable loss of vegetation. While it would not seriously affect the outlook of existing residents I am not satisfied that this outweighs my other concerns.

- 7.39.21. The development of the site for housing would not result in an undesirable loss of agricultural land. However, it would lead to additional traffic movements on Buckwood Road, which, in my opinion, would increase the risk of accidents occurring, in view of the substandard nature of the local highway network. I am not satisfied that the introduction of traffic calming measures and/or improvements to the Buckwood Road/High Street junction could be guaranteed to overcome this problem. In any case, I judge that the introduction of the necessary measures could have a detrimental impact on the movement of traffic, particularly buses, and on the character of the AONB and the Conservation Area.
- 7.39.22. I accept that the existing infrastructure could support the development and accept that it would be well related to local facilities. I find, however, that it would be less well related to existing public transport routes. While I do not consider it would seriously exacerbate parking congestion in the village, I am not convinced that it would make best use of the land contrary to the objectives of PPG3. On balance, therefore, I deem that the site is an unsuitable location for housing and I recommend that it should be deleted from the Plan.
- 7.39.23. In reaching this conclusion, I have noted the Council’s arguments about housing need and the lack of other suitable sites. I have also taken account of the alleged benefits in respect of the provision of affordable housing and the proposed link road. However, I do not consider that any of these are sufficient to warrant the retention of the proposal in the light of the serious harm that I believe it would cause to the AONB.

**(b) *Enlarging the site***

- 7.39.24. Old Road Securities plc (3833) argues that the site should be extended westwards to accommodate 60 dwellings. It proposes that the western boundary of the enlarged site should form a direct continuation of the northern boundary of the primary school westwards to meet Buckwood Road at a point opposite the western boundary of Gooseacre. The resulting proposal site, which would be some 3.72 hectares in area, would be divided into 1.8 hectares of housing; 0.38 hectares of formal open space and 1.58 hectares of informal open space and woodland. It is contended that the additional housing is required to meet local needs. The objector maintains that even if it is not needed for this purpose at present it should be allocated as housing reserve land.
- 7.39.25. In my view development of the additional area would result in an even more significant intrusion into the AONB. I do not consider that the proposed area of informal open space and woodland planting on the western side of the area would significantly mitigate this impact, as the most prominent views of the site are from the southern side of the valley. Neither in my view would the extension of the existing school boundary result in the enlarged site blending in more successfully with the landscape than the original proposal site, as traditionally this was an area of smaller

fields with hedgerows running down rather than across the contours. I am also concerned that the additional traffic would seriously exacerbate highway safety problems. I am not convinced that these could be adequately addressed by traffic calming measures and/or other road improvements for the reasons I have already set out above.

- 7.39.26. While I note the argument about local housing needs, I am not satisfied that the findings of the Markyate Village Appraisal are sufficiently robust to justify this level of housing provision, particularly in view of the unsustainable location of the settlement. In any case, even if I had found that local need warranted 40 additional dwellings I consider that the harm that would be caused to the AONB through the development of the enlarged site would render it an unsuitable location for the additional dwellings.
- 7.39.27. I appreciate that the development would provide a significant additional area of open space but this would far exceed the current shortfall in open space provision. I am not satisfied, therefore, that it would outweigh the harm to the AONB and to highway safety. In the light of the advice in PPG3 regarding the allocation of greenfield sites and my findings in section 4.40, in respect of the appropriate alignment of the Green Belt boundary, I find no justification for the allocation of housing land at Markyate for the period beyond 2011. In the circumstances, I recommend that no modification should be made to the Plan in response to this element of objection 3833.

**(c) *Planning requirements***

- 7.39.28. I have already addressed most of the points raised in objections 714 and 3211 in dealing with the similar objections that were made by Mr and Mrs Mead and Markyate Parish Council in respect of H44 (*see paragraphs 7.38.47 and 7.38.48*). The only exception is the requirement to provide the link road, which the Parish Council considers to be an essential element of the development. However, Old Road Securities plc (3833) contends that the planning requirements in respect of affordable housing, the provision of the link road and linkage with the development of H44 are unreasonable. It also considers that the requirement to make a contribution to additional educational facilities is too prescriptive. I address the latter matter separately under issue (d) below. I, therefore, turn first to the requirement for affordable housing.
- 7.39.29. The objector contends that in the absence of a housing needs survey for Markyate it is not possible to predict the actual level of housing need. In the circumstances, it is contended that the requirement for 50% of the housing on H45 to be affordable is unjustified and the level of provision should be reduced to 30%. The Council argues that the 1998 HNS (CD82) showed some 8.5% of households in the rural area to be in need. Based on the 1991 census this would be equivalent to 98 households in Markyate. It is considered that the level of provision proposed in the Plan is appropriate within this context. As very few sites are likely to come forward in Markyate that would be above the threshold for large villages in Policy 21 it is important in the Council’s view that H45 makes a significant contribution towards meeting the need for affordable housing.
- 7.39.30. While I appreciate that the 1998 HNS showed some 8.5% of households in the rural area were in need this covers a significant part of the Borough. The HNS gives no

indication as to the level of need within the individual settlements within the rural area. It is not possible to judge therefore whether the level of need in Markyate Parish is comparable with the level of need for the rural area as a whole. It is quite possible, therefore, that it could be higher or lower. I, therefore, have some concerns about using the HNS as a basis for setting an indicative target for housing sites in Markyate.

- 7.39.31. Looking at the other evidence of need that is available, I note that the Markyate Village Appraisal indicated that between 15 to 25 rented properties were required in 1995. However, the need for affordable housing can not in my view be accurately assessed merely by looking at the requirement for rented properties. Indeed the Appraisal itself indicates that of the 176 existing households looking to move some 36% were unable to do so because local prices were too high. In addition, some 66% of the 56 people who were looking to form a separate new household were in a similar position. It would appear therefore that in 1995 around 72 households who wanted to move could not afford to move to do so. While I accept that this figure does not necessarily equate with the number of households in need, I consider that it is likely to be more representative than the figure for those seeking a rented property.
- 7.39.32. A more up to date source of information is the Council’s Waiting and Transfer list data. This indicates that in 2000 there were some 50 households looking for alternative accommodation. Again, however, I doubt that this is indicative of the total level of need. The mere fact that someone has applied to go on the waiting list does not mean that they are in genuine need. Moreover, judging from the evidence of the 1998 HNS, a significant number of those in need do not register on the waiting list<sup>90</sup>.
- 7.39.33. The objector suggests that since there is already a significant pool of Council housing within the village and 6 new affordable dwellings have recently been built on Buckwood Road, it would be appropriate to assume that the current need for affordable housing is in the region of 30 dwellings. However, I would question the accuracy of this assumption. It seems to me that the level of need could actually be far higher than this judging from the Village Appraisal.
- 7.39.34. Even if the need was only for 30 dwellings, the Plan only identifies 4 housing proposal sites in Markyate for development during the Plan period. These are expected to provide a total of 50 dwellings. Two of these sites (H46 and H47) are below the threshold stipulated in Policy 21 and are therefore unlikely to make any contribution to affordable housing needs. I appreciate that some housing is also likely to come forward on unidentified sites but the majority of these sites are, in my view, likely to be small. It is unlikely therefore that many of them would contribute towards meeting the need for affordable housing. In the circumstances, even if 20 affordable dwellings are provided on H44 and H45, as required by the Plan, it is unlikely that current housing needs in Markyate would be met during the Plan period. In this context, I consider that a requirement for around 50 % of the housing on H45 to be affordable is not unreasonable. Certainly no evidence has been presented which would indicate that this level would render the development of the site unviable.

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<sup>90</sup> Section 9.5 of the 1998 HNS (CD82) suggests that 55.3% of households in need within the Borough were not registered on the Waiting or Transfer lists.

- 7.39.35. In the circumstances, I would recommend that if the site is retained in the Plan the level of affordable housing required should not be reduced to 30% as sought by the objector. However, in line with my earlier comments I would suggest that the word “around” should be inserted in front of the 50% figure to make clear that the target is indicative rather than absolute.
- 7.39.36. Turning to the question of the link road I would question whether the requirement for this is either necessary or reasonable. I appreciate that it is considered that the provision of such a link would ease traffic congestion at the school, improve safety for pedestrians and reduce the amount of traffic using the Cavendish Road/High Street junction. However, while the latter is clearly desirable I am not satisfied that this would be the only means of achieving this end. Moreover while I accept the junction is substandard there is no evidence that the current use has generated any accidents.
- 7.39.37. Judging from my own observations it did not appear that the level of congestion at the school at starting and finishing times was above average. It certainly did not seem to give rise to significant problems. The provision of a link road would allow through traffic to travel directly past the school entrance. I am concerned that this could lead to vehicles travelling at greater speeds in close proximity to the school, which could increase rather than reduce the danger to children. I am not satisfied, therefore, that the provision of a link road would bring substantial planning benefits.
- 7.39.38. Moreover, it is clear that the provision of such a link is not an essential requirement for the development of H45. I would question, therefore, whether it is reasonable to require the developer of H45 to provide such a link. In the circumstances, I would recommend that if H45 is retained in the Plan the requirement to provide a link road between Cavendish Road and Buckwood Road should be deleted.
- 7.39.39. In reaching this conclusion I have noted the objector’s offer to provide an alternative safe dropping off facility on the site. However, while the provision of a second dropping off point might lead to some reduction in congestion at the main entrance, in view of the site’s location I consider that use of such a facility would be limited. I am not satisfied, therefore, that it would be appropriate for the provision of such a facility to be a requirement for the development of housing on H45. However, if H44 and H45 are retained in the Plan I consider that the provision of a footpath link to the school should be clearly specified as a planning requirement.
- 7.39.40. Finally, with regard to the linkage between the planning, development and phasing of the two sites, I accept that it would be physically possible to develop the two sites separately. However, in the light of the obvious need for highway safety measures to be installed on Buckwood Road if these sites go ahead, I consider that it would not be unreasonable for the Plan to seek to ensure that the development of both sites is properly co-ordinated. I therefore recommend that no modification should be made to the requirements in respect of the link between the planning, development and phasing of H44 and H45 if the Council should determine to retain both sites in the Plan.

**(d) Educational provision**

- 7.39.41. I acknowledge that the existing primary school has sufficient capacity to accommodate the additional pupils that are likely to arise from the development of H44 and H45. However, the evidence from the Education Authority would suggest that the existing

secondary schools that serve Markyate are at capacity. In the circumstances, I consider that it is appropriate to delete the requirement for a contribution towards primary education facilities and replace it with a more general requirement as proposed by PIC46. However, the wording of PIC46 could be taken to mean that the provision would be sought on the site. Clearly this is not what was intended. I would recommend, therefore, that if the site is retained in the Plan the wording should be amended along the same lines that I have suggested for H44 (*see paragraph 7.38.54*).

**(e) Land at Lock Field, New Road, Northchurch**

7.39.42. Since the allocation of housing sites in Markyate is intended to meet local needs, I am not satisfied that there is any justification for the Plan to give preference to the development of land at Lock Field, New Road, Northchurch. I recommend that no modification should be made to the Plan in response to objection 5781.

**Recommendation**

7.39.43. **The Plan be modified by the deletion of Proposal site H45 from the Schedule of Housing Proposal Sites.**

**7.40. HOUSING PROPOSAL SITE H46  
2 BUCKWOOD ROAD, MARKYATE**

**Objection**

<i>Rep No</i>	<i>Name</i>
4121	Mr Tony Evers

**Key Issue**

(a) Should Housing Proposal H46 be deleted due to parking problems in the surrounding area. (4121)

**Inspector’s Conclusion**

7.40.1. The objector contends that Albert Street has inadequate parking space for current residents and that insufficient parking space is available in Markyate generally. He considers, therefore, that no more housing should be permitted in Markyate until current parking problems are resolved.

7.40.2. This is a very small site, which it is proposed will accommodate no more than 5 dwellings. It seems unlikely therefore that its redevelopment for housing would have a significant impact on parking levels in Markyate, particularly if due attention is paid in the detailed design to the provision of an appropriate level of off-street parking space. I am not satisfied therefore, that it would necessarily result in increased parking congestion on Albert Street or in the village in general.

7.40.3. In any case I note that outline planning permission was granted for the site in 1996. While this may have since lapsed, I consider that it would only be reasonable for it not

to be renewed if there was a clear indication that circumstances had changed significantly since then. I can find no evidence that this is the case. Consequently, I see no reason to justify deleting Proposal H46. I, therefore, recommend that no modification should be made to the Plan in response to objection 4121.

7.40.4. However, it is clear from the evidence and from what I saw during my visits to the area that there are problems with parking in the centre of Markyate. I would, therefore, recommend that the Council should consider undertaking a survey of parking in Markyate and should then explore the options for resolving any existing difficulties in the light of the findings of the survey.

**Recommendation**

7.40.5. **No modification be made to the Plan in the light of objection 4121.**

7.40.6. **The Council considers undertaking a survey of parking in Markyate and exploring the options for resolving any existing difficulties in the light of the findings of the survey.**

**7.41. HOUSING PROPOSAL SITE H47  
LAND AT WESLEY ROAD/ ALBERT STREET, MARKYATE**

**Objection**

<i>Rep No</i>	<i>Name</i>
4122	Mr Tony Evers

**Key Issue**

(a) Whether Housing Proposal H46 should be deleted due to parking problems in the surrounding area. (4122)

**Inspector’s Conclusion**

7.41.1. This site is again very small and in my view its impact on parking either on its own or together with H46 would be insufficient to warrant its deletion from the Plan. However, the evidence given by the Council at the Inquiry, in relation to the general level of development in Markyate, suggests that there is little realistic prospect of this site actually coming forward for development during the Plan period. In the circumstances, I consider that it should be deleted from the Plan in accordance with my recommendation in paragraph 7.4.174 of my report.

**Recommendation**

7.41.2. **The Plan be modified by the omission of Site H47 from the Schedule of Housing Proposal Sites and the Proposals Map.**

## 7.42. HOUSING PROPOSAL SITE H49 EXPOTECHNIK CENTRE AND NOS. 8-10 HUDNALL LANE, LITTLE GADDESSEN

### Objection

<i>Rep No</i>	<i>Name</i>
1893	Chiltern District Council

### Key Issue

- (a) Should Housing Proposal Site H49 be deleted from the Housing Schedule. (1893)

### Inspector’s Conclusion

- 7.42.1. The objector contends that the development of this site would be contrary to national and strategic policy for the AONB. It also contends that the AONB boundary is incorrectly shown on the Proposals Map.
- 7.42.2. The Expotechnik centre site was previously occupied by a non-conforming industrial use that caused long-term highway and environmental problems for neighbouring occupiers. It appears therefore there were strong reasons for it being allocated for redevelopment for housing. In any case it is clear that the redevelopment has now been completed. In the circumstances, I recommend that site H49 should be deleted from the Housing Schedule.
- 7.42.3. As for the issue of the AONB boundary, it is unclear as to the precise nature of the objector’s concern. There is no evidence that the AONB boundary at Little Gaddesden is shown incorrectly. I, therefore, find no reason for the Proposals Map to be modified in this respect.

### Recommendation

- 7.42.4. **The Plan be modified by deleting Site H49 from the Schedule of Housing Proposal Sites and the Proposals Map and by amending the figure for completions in Policy 17 accordingly**

## 7.43. HOUSING PROPOSAL SITE H50 LAND AT WESTWICK FARM, PANCAKE LANE, HEMEL HEMPSTEAD

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
756*	Mr & Mrs Lynch	3065	Eva Phillips
760	Mr & Mrs P Hobson	3067	Mrs Eunice Hart
762	J & M Hildersley	3069	Mr & Mrs C Isitt
764	Mr & Mrs M Gregory	3071	Miss J Sapsard
766	Mr D Beynon	3073	Karen Schirn
768	Mr G C North	3095	Mrs C M Clapham
773	Mr Peter Read	3097*	Mr & Mrs M Berman
776	Mr C B Attwood	3099	Mr & Mrs M J Sapsard
1197	Mr John Baker	3101	Mr & Mrs N Merett
1199	Mr F Wimpress	3103	Mr Adrian Curran

1225	Mr & Mrs D J Pirrie	3129	Jacqueline Mutter
1241	The Chiltern Society	3130	Mrs A Armstrong
1298	CPRE - The Hertfordshire Society	3131	Mr C D Scholey
1537	The Crown Estate	3133	Sylvia Scholey
1612	Mr & Mrs W Hinks	3136	Mrs A Hildersley
1615	Mr T Wooding	3138	Mrs C Kavanagh
1619	Mrs A Wooding	3140	M W Cross
1623	Mrs A Bowen	3142	Elizabeth DeMarco
1627	R Starbrook	3144	Mr G W Houldcroft
1630	Mrs J E Attwood	3146	Rev M B Tingle
1633	Mrs P M Mills	3148	Mr & Mrs D H Morgan
1635	Mr P A Woolley	3151	Mrs V M North
1637	Mr B C Wilson	3153	Mrs G Cox
3007	Mr D M McQuillan	3155	Mr & Mrs M Gouch
3008	D J Atkinson	3157	Mr P Dawood
3012	Jacqueline Sawyer	3159	Mr R M Bastefield
3015	Mr & Mrs M Munro	3161	Mr K O’Brien
3016	Mr M Hennessy	3163	Mrs A Hill
3018	Mr M J Randall	3165	Mrs J L Wood
3023	Leverstock Green Village Association	3167	Mr R W Haynes
3027	Naomi Kershaw	3175	Mr D Scholey
3029	N B Ratcliff	3178	Mr L Pilgrim
3031	Catherine Hall	3180	Mr & Mrs N M Conley
3033	Mr R Hall	3184	Mr & Mrs M R & B R Chapman
3034*	Mr & Mrs R E Boustred	3190	Mr P Jackson
3035	Mrs P White	3191	Mr & Mrs E G Amos
3036	Mr & Mrs J C Dyble	3192	Mr C Grimsdale
3037	Mr B Anwani	3194	Jenifer King
3038	R S Driver	3195	S J Martindale
3039	Steve & Jenny Harris	3197	Ms Tracey Young
3040	Mr & Mrs R K & J V Harrowell	3199	Mrs L McQuillan
3042	D M Evans	3949*	Mrs A M Radband
3043	Mr & Mrs Coles-Bell	4063	HCC Environment Department
3044	Mr Simon Fitzgerald	4101	Lucas Aerospace
3045	Mr Sean d’Arcy	4128	Mrs C A Meredith
3046	Mrs Christine d’Arcy	4129	Mr A G Meredith
3047	Mr Tim d’Arcy	4133	Mr Lionel Wittenberg
3048*	Mr & Mrs S Manly	4198	Mr & Mrs A G Playle
3049*	Mr Andrew Nixon	4672*	HCC Corporate Services Department
3050	Mr & Mrs Shults	4754	R W Spence
3051	Mr M Partridge	4789	Mr & Mrs C J Archer
3052	Mr & Mrs J C Rumble	4824	The Directors of Shendish Manor
3053*	Mr & Mrs J Angell	4884L	Mr & Mrs R J Kellett
3054	C H Bowles	4885L	Mr P Andrews
3056	Shamin Ibrahim	4892L	Mr R P Sawyer
3058	Mr R Francis	4894L	Suzanne Rayner
3060	Mr H G Clapham	4896L	Mr & Mrs D Smith
3061	P L Board	4928L	Gabriel Sharkey
3063	Mrs Y Irving	5157	Tony McWalter MP

### Counter Objections

To Pre-Inquiry Change 47

5708PC	Leverstock Green Village Association	5784PC	The Crown Estate
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### Supports

1479	HCC Environment Department	1700	Beryl Milnes
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### Supports for pre-inquiry changes

For Pre-Inquiry Change 47

5355PC	Mr & Mrs M Berman	5358PC	Mrs A M Radband
5356PC	Mr & Mrs R E Boustred	5410PC	CPRE - The Hertfordshire Society

## Key Issues

- (a) Does the allocation of the site for housing accord with the guidance in the revised PPG3, particularly in respect of the sequential test. (3023, 1197, 1225, 3031, 3033, 3060, 3095, 3138, 3146, 3153, 3197, 5157, 5708PC)
- (b) Is the site suitable for housing. (756, 760, 762, 764, 766, 768, 773, 776, 1199, 1241, 1612, 1615, 1619, 1623, 1627, 1630, 1633, 1635, 1637, 3007, 3008, 3012, 3015, 3016, 3018, 3027, 3029, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3056, 3058, 3061, 3063, 3065, 3067, 3069, 3071,

3073, 3097, 3099, 3101, 3103, 3129, 3130, 3131, 3133, 3136, 3138, 3140, 3142, 3144, 3148, 3151, 3155, 3157, 3159, 3161, 3163, 3165, 3167, 3175, 3178, 3180, 3184, 3190, 3191, 3192, 3194, 3195, 3197, 3199, 3949, 4063, 4128, 4129, 4133, 4198, 4672, 4754, 4789, 4884L, 4885L, 4892L, 4894L, 4896L, 4928L, 5157)

- (c) Would its development result in an unacceptable loss of agricultural land. (3184)
- (d) Would it have a damaging visual impact on the attractive rural quality of the local landscape. (1197, 1225, 3023, 3031, 3033, 3060, 3095, 3138, 3146, 3153, 3184, 3197, 4101, 4824, 5708PC)
- (e) Would it involve the unacceptable loss of ancient and important hedgerows. (3184)
- (f) Is the site of such significant historical and archaeological interest as to warrant resisting development of the site for housing. (1197, 1225, 3023, 3031, 3033, 3060, 3095, 3138, 3146, 3153, 3184, 3197, 5157, 5708PC)
- (g) Does the proposal mean that opportunities for outdoor recreation would diminish (3184)
- (h) Would it adversely affect the occupiers of Westwick Farm. (3184)
- (i) Is the site well located in relation to existing facilities in Leverstock Green and Hemel Hempstead. (1197, 1225, 3023, 3031, 3033, 3060, 3095, 3138, 3146, 3153, 3197, 5708PC)
- (j) Would the traffic generated by the housing site have an unacceptable impact. (1197, 1225, 3023, 3031, 3033, 3060, 3095, 3138, 3146, 3153, 3197, 5708PC)
- (k) Is the stated capacity appropriate or should it be increased. (1298)
- (l) Should the area of the housing site be expanded. (1537, 4789, 5784PC)
- (m) Whether development of this site should be brought forward. (1537, 4789, 5784PC)
- (n) Is it appropriate to provide affordable housing on the site and does the level of provision required accord with Circular 6/98. (1537, 5784PC)
- (o) Should the scout hut should be retained in the present location. (1537,5784PC)
- (p) Is a reference to a programme of archaeological evaluation required. (4063)
- (q) Should the requirements refer to the need additional educational facilities. (4672)
- (r) Would development at Shendish Manor be preferable to development on this site. (4824)

## Inspector’s Conclusions

### (a) *PPG3 and the sequential test*

7.43.1. The objectors argue that as an urban capacity study has not been undertaken the allocation of greenfield land for housing fails to comply with the aims of PPG3. I have already addressed this matter in some detail in paragraphs 7.22.15 to 7.22.22 of my report in dealing with the LGVA’s objection to Housing Proposal Site H16. Since the DBLP was placed on deposit well before the publication of the revised version of PPG3 in March 2000, it is understandable that the Council did not undertake a full urban capacity study in developing its housing strategy. However, the County Council did undertake a general assessment of capacity in preparing the Structure Plan Review and this was supplemented at the local level by more detailed studies of certain New Town neighbourhoods.

- 7.43.2. The Borough Council accepts that these assessments were insufficiently detailed to comply with the advice in PPG3. However, it suggests that further revisions to the Plan to address the findings of a full capacity study could be left to the next review. It is apparent that the Government now considers such a study to be an essential element in preparing local housing strategies. Moreover, PPG3 makes clear that it expects the new approach to housing allocation to be incorporated into development plans at the earliest opportunity. In this case the County Council, in liaison with the Districts, is currently undertaking an urban capacity study, and the results are expected to be available by mid 2002. In these circumstances, I consider that the Council will be obligated to take on board the results of this study when making modifications to the DBLP prior to its adoption. To do otherwise could, in my view, result in a Plan that was in conflict with national advice from the outset.
- 7.43.3. Having said this I can find no grounds at present for concluding that the advice in PPG3 justifies the deletion of Housing Proposal Site H50. Although a number of objectors argue that the capacity study is likely to reveal that there is further previously developed land available within the urban area I can find little substantive evidence of this. Certainly, judging from my extensive visits to the Borough I was unable to identify any significant areas of unused or underused land that was likely to be available for housing development during the Plan period that had not already been identified in the Plan. Indeed, for the reasons I have set out in section 7.4 of my report I consider that the Council has over-estimated the amount of housing that is likely to come forward on unidentified sites within the urban area.
- 7.43.4. Although it was suggested that more employment land, particularly on the Maylands Estate, could be allocated for housing, I do not consider that such a strategy would be sensible. Although there is a continuing turnover of commercial premises, there is no evidence of a substantial level of long term vacancies, judging from the commercial floorspace figures for May 2000 (*see also paragraphs 7.22.2 to 7.22.7*). In the circumstances, I consider that to seek to use substantially more employment land for housing would not only be likely to undermine the long-term economic sustainability of the Borough but it could also have a significant impact on the Green Belt. A lack of available employment land could result in additional greenfield land having to be allocated for new employment development.
- 7.43.5. More importantly, I am satisfied that the overall strategy of the Plan basically follows the sequential approach set out in PPG3. The Council has sought to give priority to the development of large ex-industrial sites, such as the John Dickinson site (TWA3), and other brownfield land over the development of greenfield sites. Where it has concluded that development of greenfield land would be necessary this had been allocated in locations which are intended to form extensions to existing neighbourhoods in line with the advice in PPG3.
- 7.43.6. I appreciate that there is scope for a few of the allocated sites to be extended (e.g. H27 & TWA8) and for densities to be increased on some sites. However, even with these additional dwellings I consider that there would still be a need for significant areas of greenfield land to be allocated for housing in order to meet the Structure Plan target. I am not satisfied, therefore, that at this stage sufficient land could be found in sustainable locations within the urban area to warrant the deletion of Housing Proposal H50. Indeed, even if more land could be found within the urban area this would not

necessarily justify its deletion since there are other greenfield sites within the Plan which, in my view, have an equal or greater impact on the Green Belt and on the landscape setting of the town.

- 7.43.7. In any case, H50 is one of only two sites that are proposed to be held back for development until after 2006. Not only does this phasing comply with the advice in PPG3 in that it seeks to ensure that this greenfield site would be developed after previously developed sites but it also allows for development of the site to be deferred should further brownfield sites come forward in the interim. I find, therefore that the allocation and phasing of H50 accords in general terms with the provisions of PPG3, including the sequential test.

**(b) *Suitability for housing***

- 7.43.8. It is contended that Westwick Farm is an unsuitable location for housing because of the impact of the increased traffic on the narrow lanes; the effect on the character of the area and on Leverstock Green in general; the capacity of the local infrastructure; the threat to the football pitch; the loss of rural outlook; and the potential for flooding. Concerns are also raised about traffic congestion within Leverstock Green, the loss of hedgerows, the development of affordable housing, the expansion of the school, the loss of farmland and stabling facilities, the distance from public transport routes and other facilities, the loss of the scout hut and the impact on the history and archaeology of the area. However, since other objectors also raise these latter matters I shall deal with them under subsequent issues<sup>91</sup>.

***Access and traffic on local roads***

- 7.43.9. The planning requirements state that access to the site would be from Pancake Lane. Although the first part of this road is of standard width, to the east of the junction with Lombardy Close the carriageway becomes much narrower and there are no pavements. In addition, agricultural hedgerows, particularly on the northern side flank this section of the road, which give it a distinctive rural appearance. The Council accepts that it will be critical to take into account the environmental conditions and not destroy the character of the lane. To achieve this they suggest that access to Westwick Row could be sealed off. They also indicate that one option would be to create a new link road to Green Lane.
- 7.43.10. There is no doubt in my mind that the eastern section of Pancake Lane could not safely accommodate the traffic generated by 50 additional dwellings in its present condition. While I appreciate that there may be a number of options available for achieving safe access to the site, I am concerned that the Council may have underestimated the likely impact of the options they appear to have considered to date. Even if the junction with Westwick Row was closed off and a new link road was constructed, it would still be necessary, in my view, to widen the section of Pancake Lane to the west of the access to the site. This would be likely to result in the loss of the hedgerow adjoining the

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<sup>91</sup> Traffic congestion is considered under issue (j) (see 7.43.45 to 7.43.47); loss of hedgerows under issue (e) (see 7.43.29); affordable housing under issue (n)(see 7.43.53 to 7.43.55); expansion of the school under issue (q) (see 7.43.59 to 7.43.61); loss of farmland under issue (c)(see 7.43.25); loss of stabling under issue (g)(see 7.43.36 to 7.43.38); distance from facilities under issue (i)(see 7.43.40 to 7.43.44); loss of scout hut under issue (o)(see 7.43.56 to 7.43.57); and impact on historical and archaeological interest of area under issue (f)(see 7.43.30 to 7.43.35);

football pitch. It seems reasonable to assume therefore that only the last 75 metres or so of the lane would retain its current rural character, assuming the Scout hut remains in its present location as is now proposed under PIC47.

- 7.43.11. Moreover the Council’s approach to minimising the traffic impact of the development of H50 on local roads seems to be centred on the provision of a new link road between Green Lane and Pancake Lane. To be effective and to avoid damage to the rural character of Westwick Row, which the Council state they are keen to maintain, such a road would clearly have to cross the remaining green wedge of land between Pancake Lane and Green Lane. Not only would this, in my view, have a damaging impact on the character of the open space but it would also sever the tongue of green space that runs into the village centre from Westwick Row and the open countryside beyond. The provision of such a link could also result in the removal of additional hedging on Green Lane. I appreciate that the provision of such a link is only an option at this stage and that the planning requirements stipulate that a development brief will be required. However, I am concerned that the principal options for access and traffic management that the Council appears to have explored so far could cause harm to the character of the area.
- 7.43.12. However, there may be other options that could reduce this harm to an acceptable level. One option that does not appear to have been explored is relocating the housing site onto the area currently occupied by the football ground. This would have a number of advantages. Not only would it reduce the need for the widening of Pancake Lane, but it would also bring the new housing closer to the local centre and the nearest bus route, as well as reducing the visual impact of the development on Westwick Row. In addition, it would allow for the possibility of secondary access being provided via Lombardy Close. I would recommend, therefore, that the Council considers moving Site H50 onto the area currently occupied by the football ground. The football ground could then either be relocated onto the land adjoining Westwick Row or onto land at Bunkers Lane, which would have the added advantage of reducing the amount of traffic using Pancake Lane.
- 7.43.13. However, even if the Council should subsequently decide that this option is not feasible, I accept that there may be other possible options for providing safe access to the site that would keep the impact on the character of the area to an acceptable level. I am not persuaded, therefore, that the problems of access and the impact of the additional traffic on Pancake Lane are sufficient to warrant deleting H50, bearing in mind the established need for the additional housing.
- 7.43.14. In reaching my conclusions in respect of this matter I have also considered the impact on Westwick Row and Green Lane. However, providing access to Westwick Row was sealed off as the Council has suggested I am satisfied that there would be little additional traffic on these roads arising from the development of H50. In addition, I have noted local residents concerns about increased noise and pollution but in my view any increase arising from the additional traffic movements from 50 dwellings is likely to be minimal.

***Character of adjoining area***

- 7.43.15. In addition to the impact of the additional traffic and possible road improvements, concern is also expressed about the density of the development. Some objectors

consider that the development of 50 houses on 1.6 hectares of land would be out of keeping with the low density of surrounding residential development.

- 7.43.16. I accept that existing residential development within the adjoining area is generally low density, particularly on Westwick Row. However, the mere fact that the development would be at a slightly higher density than the existing housing does not mean, in my view, that it would be detrimental to the overall character of the area. A density of 31.2 dwellings per hectare would not be particularly high. Consequently, I consider that it should not result in the development having a cramped appearance out of keeping with the immediate area. In any case, developing at a significantly lower density would clearly be contrary to the aims PPG3 that seeks to ensure that best use is made of land. I am not satisfied, therefore, that the proposed density of the development would be detrimental to the character of the area.

***Effect on Leverstock Green Village***

- 7.43.17. Many of the objectors clearly consider Leverstock Green to have a distinctive character that deserves to be protected. As the neighbourhood is centred on an original village which existed before the New Town was established I accept that its character is very different to many of the other neighbourhoods in Hemel Hempstead. I can therefore understand local people’s pride in the village and its unique character. However, I do not consider that the development of a limited number of additional houses at Westwick Farm and Buncefield Lane (H16) would significantly erode the current pleasant character of the village. Nor do I believe that the presence of some 130 additional households would result in the local centre and associated services becoming swamped. I am not persuaded, therefore, that the development of 50 dwellings at Westwick Farm would cause serious harm to the village character of Leverstock Green.

***Capacity of Infrastructure***

- 7.43.18. Concern is expressed about the ability of the local infrastructure to cope with the additional housing. I have already addressed the impact on local roads in paragraphs 7.43.9 to 7.43.14 above and consider the effect on the wider road network at issue (j) below. There is no evidence from suppliers that there would be any difficulty in providing gas, electricity, water and sewerage or any other utility. Although it is stated that the existing facilities in the local centre are at capacity there is no substantive evidence to support this. I am not convinced therefore that the additional housing would place an intolerable burden on the local centre.
- 7.43.19. I appreciate that there is currently no doctor’s surgery in Leverstock Green following the closure of the previous surgery in 1999. However, it is possible that the additional population would be sufficient to persuade the primary health care trust to encourage a surgery to be reopened in the village and I would encourage the Borough Council to explore this possibility. However, even if this is not possible there is no evidence to suggest that existing health services would be unable to accommodate the increased demand generated by the additional housing. As for educational provision I deal with this in more detail under issue (p) below. However, I have no reason to disbelieve the Education Authority’s view that there is scope to expand the existing facilities at Leverstock Green JMI sufficiently to accommodate the additional pupils. In the circumstances, I am not satisfied that the development of the housing at Westwick

Farm would put an unacceptable strain on the existing infrastructure, even when the development of the land at Buncefield Lane (H16 is also taken into account.

#### ***Future of football pitch***

- 7.43.20. Although concern is expressed about the future of the football pitch under the Plan proposals this should be unaffected. However, even if it was subsequently decided that it would be better for this to be relocated either to adjoining land or to Bunkers Lane, I do not consider that this would cause significant harm. Indeed, the relocation of the ground to Bunkers Lane could improve the situation for adjoining residents since it could help to offset the impact of the additional traffic arising from H50. In addition it could reduce noise and disturbance to neighbouring occupiers. Since the land at Bunkers Lane is only a short distance from the site and is reasonably well related to Leverstock Green I do not consider that users of the ground would be seriously prejudiced by such a relocation.

#### ***Loss of rural outlook***

- 7.43.21. I appreciate that despite the hedgerows abutting Pancake Lane a few of the houses at the eastern end of Pancake Lane currently have views over the site from their first floor front windows. Some properties in Lombardy Close also have more distant views of the site from their rear windows. I have no doubt therefore that the occupiers of these properties will suffer some change to their present open outlook. However, while I can understand their concern, I am not satisfied that the impact would be so significant as to justify rejecting the Proposal on this ground, particularly as the impact could be substantially mitigated by the inclusion of appropriate landscaping along the southern and western boundaries of the site.

#### ***Flooding***

- 7.43.22. While comments have been made about flooding, unlike the situation with H16 there is little evidence that flooding occurs on the site or within its immediate vicinity. I find no reason to believe therefore that development of the land at Westwick Farm would lead to an increased flooding risk.

#### ***Conclusions***

- 7.43.23. I conclude that Pancake Lane could not safely accommodate additional traffic from 50 dwellings in its current condition. While it may be possible to resolve this by means of appropriate highway improvements and traffic management measures I am concerned that the options the Council appears to have explored to date could have a damaging impact on the character of the area. However, I am not satisfied that this means that other options could not be identified which would mitigate this harm. In particular I would recommend that the Council considers relocating the site onto the football ground and moving the ground to another location.
- 7.43.24. Although the density of the new housing would be higher than the surrounding area I do not consider that it would cause serious harm to the character of the immediate area or to Leverstock Green in general. I find no reason to believe that the development would place an unacceptable burden on the existing infrastructure. The Plan proposal would not affect the football ground. However, even if it should subsequently be

decided that it would make sense for it to be relocated I do not consider that this would cause serious harm to adjoining occupiers or to users of the ground. Indeed it might improve the situation for the former. While there would be some loss of rural outlook for a few properties, I am not satisfied that this would be sufficient to warrant the deletion of the Proposal. I find no reason to believe that development of the site would cause serious flooding. Subject therefore to the Council reconsidering the location of the site and exploring the re-opening of health facilities in Leverstock Green, I see no need for the Plan to be modified in response to these objections.

**(c) *Loss of agricultural land***

7.43.25. The land is classified on the Agricultural Land Classification Map as being in urban use. Development of the site would appear therefore not to involve the loss of the best and most versatile agricultural land. As such it would not be contrary to the objectives of national policy as set out in PPG7. As the land is used predominantly for the keeping of horses at present it would appear that the development is unlikely to have a significant impact on agriculture.

**(d) *Impact on rural landscape***

7.43.26. Unlike many of the other greenfield housing sites proposed in the Plan, where development would form a clear extension of the urban area, the land at Westwick Farm forms part of a green wedge which projects into the built-up area. It would, therefore, not result in a physical extension of the town into the wider countryside. There is no doubt that housing on the site would be visible from the open countryside to the east, especially from public footpath (FP5), which runs from Westwick Row to the M1, and from the M1 itself. However, it would be partially screened from these viewpoints by existing vegetation, which could be supplemented by additional planting, and would be seen in the context of the large office building at Breakspear Park and the tall blocks of flats on Woolmer Drive. I do not believe, therefore, that the development of 2 storey housing on the site would have a substantial visual impact on the adjoining countryside to the east.

7.43.27. The development may be visible from some viewpoints to the north and north-west, including from the A414 and FP3, which runs from the northern section of Green Lane to the A414. However, I do not consider that it would be unduly prominent from these viewpoints owing to the topography and the presence of the farm buildings at Westwick Farm. I find therefore that the development of H50 for housing would not have a harmful impact on the wider rural landscape.

7.43.28. I accept, however, that it would have a far more significant impact on local views. While development would be partly screened from Green Lane and Buncefield Lane by the rolling topography and the buildings at Westwick Farm, assuming they were retained, it would be visible from Westwick Row. While the implementation of additional planting along this boundary might lessen this impact, at least during the summer months, I consider that it would still detract from the current rural character of Westwick Row. While I do not believe that this impact would be sufficient in its own right to justify deleting the Proposal it reinforces my view that consideration should be given to relocating the housing onto the football ground. This would allow the area adjoining Westwick Row to remain open which, in my view, would help to maintain its pleasant rural appearance.

**(e) Loss of hedgerows**

7.43.29. The Highway Authority’s evidence (*see LPA Doc. No. 486*) makes clear that in order to provide safe access to the site the existing carriageway of Pancake Lane would have to be widened to at least 4.8 metres and a separate footway provided. In my view this is almost certain to necessitate the removal of most of the hedgerow abutting the football ground, which would undoubtedly erode the present rural character of the lane. As the hedgerow could be replanted I do not consider that by itself the loss of this hedgerow would be sufficient ground for recommending H50 be deleted. However, if the housing was relocated onto the football ground and the existing access to the ground used as the principal access to the housing site it should be possible to retain much of this hedgerow. This is a further reason, in my view, for considering this option.

**(f) Historical and archaeological interest**

7.43.30. The research undertaken by Mrs Chapman (3184) has established to my satisfaction that the area of Westwick Row is of considerable historic and archaeological interest. The recent discovery of Iron Age and Roman remains at the Handpost Lodge site, although not of high importance archaeologically, are sufficient to suggest that there may have been an Iron Age and/or Roman settlement within the immediate area. There would also appear to be potential for the existence of the remains of a Tudor and possibly medieval farmhouse at Westwick Farm.

7.43.31. The County Archaeologist (*see LPA Doc. No. 401 DBC/IA*) therefore suggests that an archaeological assessment of the site, including a field evaluation, should be required. In addition, he has recommended that the boundary of Area of Archaeological Significance 61 be extended to cover the development site. However, he does not consider that the presence of the remains would be reasonable grounds for objecting to the allocation of the site for housing.

7.43.32. The Borough Council accepts the County Archaeologist’s suggestions and proposes under PIC48 to amend the planning requirements for H50 to stipulate that an archaeological evaluation should be undertaken and any necessary mitigation measures implemented. In addition, it proposes to extend the Area of Archaeological Significance under FC191. In view of the evidence that there could be archaeological remains in the area I consider that these changes would be reasonable and would accord with the advice in PPG16. Consequently, I endorse them. However, I am not persuaded that the archaeological significance of the area is of such importance as to merit deleting H50 from the Plan.

7.43.33. I am rather more concerned about the impact of the development on the historical character of Westwick Row. Apart from the recent development at Handpost Lodge, it would appear that Westwick Row retains a significant degree of historical and architectural continuity, which gives it a distinctive character. While the historical interest may not be sufficient to merit it being designated as a Conservation Area, it would be regrettable, in my view, if its distinctive character was seriously undermined by the development. While the impact on Westwick Row could be significantly reduced through the introduction of a substantial landscape buffer along the eastern boundary of the site, in my opinion, it would be better still if the new housing were set back significantly from Westwick Row.

- 7.43.34. While the current farmhouse and some of the farm buildings at Westwick Row are of little historical or architectural merit at least two of the brick outbuildings would appear to date back to the C17th or C18th centuries. Judging from what I saw on my site visit, they would appear to be of sufficient quality to merit consideration for retention as part of any development. However, I consider that their historical and architectural interest would be better protected if they could be retained in an open setting rather than within the housing development. This could be achieved by relocating the housing onto the football ground. The buildings could then be restored for community use in association with use of the adjoining open space.
- 7.43.35. In the circumstances, while I do not consider that the archaeological or historical interest of the area would justify deleting H50, I consider there are strong grounds for moving the site. I would therefore reiterate my recommendation that the Council reconsiders the location of H50. Whether or not the housing site is moved I consider that the requirements should be amended to provide for an archaeological assessment of the area in accordance with PIC48 and to extend the Area of Archaeological Significance as per FC191. In addition, I consider that an additional requirement should be inserted in respect of the surveying and retention of the older farm buildings at Westwick Farm.

**(g) Opportunities for recreation**

- 7.43.36. It would appear that Westwick Farm is currently used for stabling and livery purposes and it is clear that this provides an important recreational resource for some local residents. Concern is also expressed about the impact on other outdoor activities such as rambling, cycling and the enjoyment of wildlife.
- 7.43.37. While the stabling of horses at Westwick Farm may be of value to the leisure activities of some local residents it does appear that there are other riding facilities in the locality. I am not satisfied, therefore, that the loss of the facilities at Westwick Farm would result in a serious reduction in the opportunities for riding. In any case, it is possible that riding facilities could be retained in the area as part of the use of the remaining open space, either using the existing farm buildings or through the provision of alternative stabling accommodation.
- 7.43.38. As far as walking and cycling are concerned, while the additional traffic generated by the development may have a minor impact on the enjoyment of walking or cycling along Pancake Lane, I am not satisfied that it would seriously diminish the overall opportunities for these activities within the area. Neither in my view would it substantially reduce the scope for local people to enjoy the local wildlife. Indeed the opening up of much of the adjoining land to the public could actually increase the opportunities for recreational activity in the area.

**(h) Impact on occupiers of Westwick Farm**

- 7.43.39. Although the development of some of the land at Westwick Farm would obviously effect the current activities of the occupiers, it would appear from the representations received that they support the development. Indeed it seems that they are seeking to have the area that is allocated for housing extended to cover more of the land they own or occupy. I am not satisfied, therefore, that the impact on the occupiers of Westwick Farm would be of sufficient importance to necessitate the deletion of Proposal H50.

**(i) Relationship to facilities**

- 7.43.40. The LGVA and a number of other objectors question the sustainability of the site with regard to its proximity to local facilities. In respect of access to local bus services, the site would be within 500 metres of the nearest bus stop on Leverstock Green Road. This is currently served by the 300/301 and 330/331 services, which run between Hemel Hempstead and Stevenage at half hourly intervals during the day, and by the more limited 340 service to Welwyn Garden City, which runs at hourly intervals in the evenings and on Sundays<sup>92</sup>. I appreciate that the distance to the nearest bus stop would be greater than that currently recommended by the Highway Authority. However, as Pancake Lane is relatively flat and the service is reasonably frequent during the day, I am satisfied that the slightly greater distance would not discourage future residents from using public transport. Indeed in this respect it is better than many of the other greenfield housing sites proposed in the Plan. However if the site were relocated onto the football ground as I have suggested it would clearly meet the Highway Authority’s 400-metre standard.
- 7.43.41. I appreciate that at present none of the services connect directly with Hemel Hempstead railway station. However, it would appear that there are frequent connections from Hemel Hempstead Bus Station. Alternatively the services do provide a direct link to St.Albans railway station, which is not much further away in travelling time. It would also be relatively easy, in my view, to walk across the fields to Green Lane to catch the number 10 service, which does connect directly to the railway station at Hemel Hempstead.
- 7.43.42. While there is no direct bus connection to the superstore at Jarman Fields, I agree with the Council that most people are likely to want to travel to such a facility by car. However, there is the opportunity to change to the No.12 service on St Albans Road for those who do not have access to a car. I consider, therefore, that there would be reasonable access to major shopping facilities. Indeed, in this respect the Proposal site would be in a much better location than some of the others the Council has proposed, notably West Hemel Hempstead, as it would not be necessary to traverse the town centre to reach it. Since the majority of journeys to such facilities are likely to be made outside working hours I doubt that they would add to the existing traffic congestion in Leverstock Green.
- 7.43.43. The site would be within 200 metres of Leverstock Green JMI at its nearest point and even the furthest part of the site would be well within 400 metres. It is therefore well related in respect to existing educational facilities. It would be within 700 to 800 metres of the local centre at Leverstock Green and this distance could be could be shortened if a footpath were provided across the adjoining open space. Even if it could not I consider that it would be reasonably related to the local centre. While the Maylands Industrial Estate would be beyond a reasonable walking distance it would be within walking distance of the office complex at Breakspear Park. It would also be reasonably well located in terms of recreational facilities, including the health club at the nearby hotel. I consider, therefore, that on balance the site has a reasonable relationship with local facilities.

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<sup>92</sup> The 300/301 service would also appear to run in the evenings and on Sundays.

7.43.44. In reaching this conclusion I have taken into account that local people currently have to travel some distance to see a doctor. However, while this state of affairs is unfortunate it is not exceptional within Hemel Hempstead. While a site with better access to a health centre or GP’s surgery might be preferable, I am not satisfied that on its own it would merit the deletion of H50. Indeed the development of more housing at Leverstock Green could possibly justify a surgery being re-opened in the village. I would encourage the Council to examine this matter with the appropriate health care trust and would recommend that the requirements for H50 should be modified to draw attention to the need for this to be explored.

*(j) Traffic*

7.43.45. Many objectors fear that the additional traffic will add to the existing congestion in Leverstock Green. Since Leverstock Green Road (A4147) forms the principal non-motorway route to St.Albans it is an understandably busy highway. However, it would appear that at present congestion only occurs during the morning and evening peak hours. Although this is clearly an inconvenience to local residents there is no evidence that the road has reached its functional capacity. Neither would it appear that the number of accidents along Leverstock Green Road is above average. The Highway Authority maintains that the traffic generated by H16 and H50 combined would generate less than 2% of the existing flow. It seems to me that any problems this modest increase might cause could be easily addressed by minor highway improvements. I am satisfied therefore that the increase in traffic generated by these developments should not have a detrimental impact on either the free flow of traffic or highway safety on Leverstock Green Road. Neither, in my view, should their development lead to a substantial increase in traffic in relation to the local school, even if it is expanded, in view of the close proximity of both sites to Leverstock Green JMI.

7.43.46. In reaching this conclusion, I have taken account of the fact that the Council proposes, under PIC57, to allocate an additional housing site for 350 dwellings at Breakspear Way (H15A). I appreciate that this development, together with those proposed at Leverstock Green, could have a significant impact on congestion at the Maylands Avenue roundabout in peak hours. Indeed, even were the roundabout to be remodelled it appears that it would still lead to increased queuing on Leverstock Green Road, which would clearly add to the problems currently experienced by residents of Leverstock Green. However, for this reason and others I set out more fully in section 7.53 of my report I have recommended that the site at Breakspear Way should not be proceeded with. In the absence of that development I find that the traffic generated by H16 and H50 would be unlikely to seriously exacerbate congestion at this junction.

7.43.47. I have also noted the concerns raised about access for emergency vehicles. However, despite the busy nature of Leverstock Green Road there is no evidence that the emergency services currently experience significant delays in the area. In view of the width of Leverstock Green Road, I doubt that emergency vehicles would be unduly impeded by the small increase in traffic that would arise from sites H16 and H50. Consequently, I conclude that the effect of the traffic generated by H50 on the wider road network would not warrant deleting the Proposal from the Plan.

**(k) Increasing the capacity of the site**

7.43.48. The CPRE (1298) suggests that the capacity of the site should be increased by a further 5 dwellings. While I accept this would be a very modest increase, resulting in an overall density of only 34.4 dwellings per hectare, I am not satisfied that it would be appropriate in this case to increase the capacity. The capacity stated in the Plan would achieve a density of 31.2 dwellings per hectare. It would therefore fall within the range specified in PPG3. While I have indicated elsewhere in my report that this does not automatically mean that it would comply with the spirit of PPG3, I note that in this case adjoining development is at a very low density and the site abuts a visually and historically sensitive area. In the circumstances, I consider that a density at the lower end of the range referred to in PPG3 would be appropriate. I, therefore, recommend that no modification should be made to the Plan in response to objection 1298.

**(l) Expansion of the site**

7.43.49. Although most of the objections are against the development of this site, the landowners argue that the area of the site should be expanded. The Crown Estate (1537) suggests that the area of housing should wrap round the northern side of the football ground and include the fields adjoining Green Lane, leaving a narrow green spine of some 50 metres at its maximum width between the two areas. It anticipates that the enlarged site would accommodate some 140 dwellings. Mr and Mrs Archer (4789) propose a more modest increase with the area be extended northwards of the existing farm buildings by some 15 metres and westwards to include the narrow field between the football ground and the school grounds. They consider that the larger site could accommodate approximately 75 dwellings.

7.43.50. In my view, the Crown Estate’s alternative proposal would have significant planning implications. Not only would it extend development onto the prominent area of sloping land adjoining the junctions of Green Lane, Buncefield Lane and Westwick Row, which in my view would cause a serious visual intrusion, but it would also substantially erode the important green wedge that runs from the centre of Leverstock Green out to the open countryside at Westwick Row. In addition it would involve development of land currently belonging to Leverstock Green JMI, which may well be needed to accommodate the required expansion of educational facilities. I am also concerned that the extent of development proposed could put pressure on existing facilities, unacceptably increase traffic on the surrounding road network and damage the attractive character of the area. Consequently, I recommend that the site should not be extended to cover the additional area sought by the Crown Estate.

7.43.51. The additional area suggested by Mr and Mrs Archer would be much smaller and have far less impact overall. However, I am still concerned that extending housing to the north of the existing farm buildings could result in a damaging visual intrusion into both the adjoining open space and the wider countryside to the north and east in view of the greater prominence of this area. I am not satisfied that this would be entirely remedied by the introduction of additional landscaping. While development of the narrow field to the west would be less visually intrusive, I consider that it would reduce the width of the remaining green wedge to an unacceptable degree. In the circumstances, I recommend that no modification should be made to the Plan in response to objection 4789.

**(m) Phasing of the development**

7.43.52. The Crown Estate argues that in order to allow for H50 to be developed in conjunction with H16 the two sites should be brought forward together. It would, therefore, appear that it believes that H50 should be included within Part I of the Schedule. In my view the inclusion of further greenfield land within Part I of the Schedule would be directly contrary to the advice in PPG3 as it would be likely to result in its development before the development of brownfield sites identified in the Plan. I do not consider the benefits of developing the two sites together would be sufficient reason to set national policy aside. In any case, I have already recommended in paragraph 7.22.50 of my report that H16 should not be released for development before 2006. Consequently, there should be no problem in co-ordinating the development of the two sites. Accordingly I recommend that no modification be made to H50 in answer to this element of objection 1537.

**(n) Affordable housing**

7.43.53. Although the Crown Estate supports the provision of affordable housing in principle it maintains that it is inappropriate for reference to be made to a specific proportion of the dwellings being provided as affordable housing. However, Circular 6/98 makes clear that in the Government’s view it is appropriate for Local Plans to set indicative targets for specific suitable sites. For the reasons I set out fully paragraphs 7.8.158 to 7.8.164 of my report I see no reason why a figure of 50% would be unreasonable in principle. There is no evidence that this site would either be unsuitable for affordable housing or that the specified target of 50% would render development of the site unviable. Consequently, I find no reason for the target figure to be deleted or reduced, bearing in mind the final figure would have to be determined in the light of the advice in Policy 21.

7.43.54. However, while the Council argues that the 50% figure is indicative, in line with the advice in Circular 6/98, it appears to me to be expressed as an absolute requirement. In the circumstances, I consider that it would be sensible to insert the word “around” before the figure to make clear that it is merely an indicative figure rather than a hard and fast requirement and I recommend that the Plan should be modified accordingly.

7.43.55. In considering this issue, I have taken into account the view of some local residents that there is no need for affordable housing as there is no evidence of homelessness in the Borough. However, it is clear from the 1998 Housing Needs Survey (CD82) that a substantial number of people live in unsuitable or overcrowded housing conditions and that many new households would also be unable to afford accommodation. I consider, therefore, that the provision of an element of affordable housing is essential to meet housing needs. I note the suggestion that the affordable housing could damage the character of the area. However, there is no reason, in my view, why affordable housing should be of poorer quality design or out of keeping with the area. Moreover, PPG3 makes clear the Government’s commitment to the creation of mixed and balanced communities and making better use of land. In my view, these aims are of sufficient importance to outweigh the minimal change in the character of the area that is likely to arise from the provision of affordable housing on the objection site.

**(o) Location of the Scout hut**

- 7.43.56. Many local residents have voiced strong objections in respect of the possible relocation of the scout hut. In answer to these objections the Council proposes under PIC47 to amend the text to require the Scout hut to be retained. However, The Crown Estate (5784PC) has objected to this change and argues that the requirement for its relocation to be considered should be retained in the Plan.
- 7.43.57. It is clear that the scout hut provides an important recreational resource for local children. In the circumstances, I can understand local residents concerns about its future. However, I am not satisfied that its current position is the only suitable location for such a facility within the village. I am concerned that insisting at this stage that it be retained on Pancake Lane would reduce the flexibility necessary to achieve a successful housing scheme. In particular, it is likely in my view to increase the amount of hedgerow that would have to be removed to gain access to the site. Relocating the scout hut to a site on Green Lane adjacent to the school would not only provide the opportunity to enhance its current facilities but it would also allow for closer linkage with school activities. In my view, therefore, that there could be significant advantages in considering its relocation. Accordingly, I recommend that PIC47 should not be adopted.

**(p) Archaeological evaluation**

- 7.43.58. I have already effectively addressed this objection in paragraphs 7.43.30 to 7.43.32 above. For the reasons I set out there I consider that it would be appropriate to include a requirement for an archaeological assessment of the site. I, therefore, recommend that the requirements be amended in accordance with PIC48, in so far as it relates to a programme of archaeological evaluation and the implementation of necessary impact mitigation measures.

**(q) Provision of additional educational facilities**

- 7.43.59. Many objectors point out that the local schools in the area are full. I have no reason to doubt this. However, it appears that it would be possible for Leverstock Green JMI to be expanded to accommodate the additional pupils. Judging from what I saw during my site visits to the area there does appear space for the existing buildings to be extended. I am satisfied, therefore, that appropriate educational facilities could be provided to meet the needs of future residents of H50.
- 7.43.60. The County Council, however, argues that the need for the developer to make a contribution to the provision of such facilities needs to be specified in the Plan. The Council accepts this and proposes under PIC48 to include such a requirement. This change appears to be supported by The Crown Estate.
- 7.43.61. In view of the limited capacity of local schools to accept additional pupils I consider that it would not be unreasonable for the Council to require the developer of H50 to make a contribution towards the expansion of existing facilities. In the circumstances, I accept that the inclusion of such a requirement within the overall planning requirements for H50 would be sensible and consistent with other housing proposal sites. However, I consider that the wording proposed in PIC48 is ambiguous as it appears to suggest that the developer should provide the additional educational

facilities. I would therefore, recommend that the wording be amended in line with my earlier recommendations to require the developer to make a contribution towards the provision of additional educational facilities.

**(r) Land at Shendish**

7.43.62. Owing to its more prominent location and greater scale I find that development of the land at Shendish would have a far more significant impact on the landscape than the proposed development at Westwick Farm, whether or not the location of the latter is amended. In addition, I consider development of the land at Shendish would undermine the purposes of the Green Belt to a greater extent for the reasons I have set out in section 4.34 of my report. Consequently, I am not satisfied that the land at Shendish would constitute a more appropriate location for housing development. I, therefore recommend that no modification should be made to the Plan in response to objection 4824.

**Recommendation**

7.43.63. **The Council considers moving Housing Proposal Site H50 onto the land currently occupied by the Leverstock Green Football Club and relocating the football ground either onto the land adjoining Westwick Row or to the land adjoining Bunkers Lane.**

7.43.64. **The requirements for H50 be modified as follows:-**

- (a) insert the word “around” before the figure of 50%;**
- (b) incorporate an additional requirement in respect of a programme of archaeological investigation in accordance with PIC48;**
- (c) add a further requirement in relation to the provision of educational facilities as proposed by PIC48, subject to the wording being amended as follows:-  
“A contribution towards the provision of additional educational facilities will be required.”;**
- (d) include another requirement covering the need to investigate the possibility of providing local health facilities;**
- (e) append an extra requirement to address the need for the existing buildings at Westwick Row to be surveyed and those of either architectural or historical merit to be retained.**

7.43.65. **PIC47 be not adopted;**

7.43.66. **The Council explores the possibility of local health care facilities being provided in Leverstock Green, in conjunction with the development of sites H16 and H50.**

## 7.44. HOUSING PROPOSAL SITE H51 LAND AT WEST HEMEL HEMPSTEAD (PHASE II)

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
368	Great Gaddesden Parish Council	2513	Mrs J Jeffrey
1242	The Chiltern Society	2517	Mrs E Coase
1299	CPRE - The Hertfordshire Society	2522	P A Bray
1800	Water End & Upper Gade Valley Conservation Society	2526	Mr J N Fernandes
1824	Wilcon Development Group Ltd	2530	Mrs D Harris
1832	Wilcon Development Group Ltd	2534	Mr & Mrs C J Shirley
1948	Taywood Homes Ltd	2538	Mr D Gibbs
2000	Mr Peter Lai	2452	K C Redman
2005	Mrs K Warden	2546	Jan Haydon
2010	Mr & Mrs J Dempsey	2565	The Boxmoor Trust
2014	Mr J Williams	2585	Mrs Moxon
2018	Mr D Norman	2589	Mr J Grindrod
2022	Mrs J Williams	2593	Mr & Mrs Marsh-Hilfiker
2026	K & C Woods	2597	Mr & Mrs H Beck
2031	Mr & Mrs A Cook	2601	Mr J D Mowll
2035	E & P Moran	2605	Mr & Mrs K R T Wise
2039	Mr & Mrs M Norman	2609	Mrs V Lowde
2043	Mrs D Harding	2612	Mrs A Callaghan
2050	L Jackson	2616	Mr & Mrs Copperwhite
2054	Carolyn Knowles	2620	D Maher
2058	Gillian Knowles	2624	Mrs J Clark
2062	Janice Marshall	2628	J Kane
2067	Mr J A Sherratt	2632	Mr A Murdock
2071	Mrs J Durrant	2636	Sarah Murdock
2075	Mr M Campbell	2640	Mrs J Murdock
2080	Mr David W Jones	2644	Mrs D M Brown
2083	Mrs D M Pellegrini	2648	Ronald & Jennifer Taylor
2087	Mr T Thompson	2652	Mr & Mrs C D Greenbank
2091	Mr M J Dallender	2656	Mr A R Cator
2095	Mr J Russell	2660	Ms Louise Hollands
2099	Jill Fearon	2664	Mr & Mrs A Nord
2103	Mrs M Doggett	2668	Mr & Mrs W Randall
2107	Mrs P J Campbell	2672	D J Holdsworth
2113	B J Harding	2676	Mr P Blake
2117	Mr & Mrs Hexter	2680	Mrs S Walpole
2181	Mr David Warden	2684	Mr & Mrs P P Bandy
2185	Mrs Frances Kelly	2698	A & B Holder
2189	Mrs Anne Lamb	2705	P J McIntosh
2193	Mr & Mrs T & J Sheehan	2708	Mrs Alison Lancaster
2197	Mr & Mrs A P Lee	2712	Mr & Mrs D C & K D Hoath
2205	Mr P Tomkins	2716	Mr Tony Humphrey
2209	Mrs L Townsend	2720	Mr S Titford
2213	Mr & Mrs N Crawshaw	2723	Hazim Abayati
2217	Mr G Smith	2727	Mrs D White
2221	Mr R I Duke	2731	Mr John Acs
2225	Mr E Osterman	2735	Mrs L Patterson
2229	Ms Alison Kitchener	2740	Mrs C Levene
2233	Mr Paul Gibbins	2744	Mr & Mrs M Pearson
2237	Mr & Dr J Boucher	2748	Mr & Mrs M Southwood
2241	Mrs Susan Bourne	2752	B M Dale
2245	W M Ridley	2756	T Ward
2249	Javeda Jafri	2764	I D Cutler
2253	D S Coase	2768	D W Millington
2257	Miss A Callinan	2773	Mr F R Borrás
2261	Mr Peter Cooper	2778	Mr T Mooney
2266	Mrs I G Futers	2782	Sally Prue
2270	Mr Kenneth J Carbin	2786	Mr Duncan Worrell
2274	Mr & Mrs M V & J L Smith	2791	Mrs M Edwards
2278	Mr B Lamb	2795	Mrs J Worker
2282	Mr & Mrs Timberlake	2799	Mr C D Burgess
2287	Mr John W D Marwick	2803	Mr & Mrs S Watson
2291	Mr & Mrs R Austin	2807	Mr N J Dyke
2295	Ms G Norma Podmore	2811	Friends of Shrubhill Common
2303	J M Currell	2817	Mr & Mrs Pearce
2307	Mr & Mrs N Smith	2822	Mr Christopher Halls
2311	Mr R Towell	2828	G P Dickens
2315	Mr & Mrs Hickman	2832	Mr & Mrs S Taylor

2319	A & G Leeds	2837	J A Moxon
2323	R Williams	2995	Mr & Mrs D Brasier
2328	Mrs D Geere	3004	Mr & Mrs B J Edwards
2332	Mrs S Littlechild	3876	Mr & Mrs D Wilson
2336	The Executors of the late Mr I Chamberlain	3881	Mrs W E Weatherley
2341	Mrs K Worrell	3885	Mr Robert Adams
2346	Mr M Wilson	3889	Ms Shirley Green
2350	Mr & Mrs T H Williamson	3893	Mrs D Osborne
2354	Ms Diana Lai	3897	Mr & Mrs Kelly
2359	Mr G Edwards	3901	Mr A Hiron
2364	Mr J Selkirk	3905	Mr & Mrs Stonehouse
2371	Mr Brian Worrell	3909	Mr A R H Brett
2376	Mr & Mrs D I & M Stewart	3913	Mr E Gill
2380	Mr & Mrs P J Taylor	3917	C M Purkis
2384	Mrs A J Chamberlain	3921	Mr & Mrs John Harris
2388	Mrs A Shackelford	3925	Ms Michelle Reynard
2392	Mr & Mrs J Flanders	3929	Mr M Reynard
2396	AJ Ward	3933	Mrs S Reynard
2400	Mrs E Moores	3936	Mr & Mrs C Smith
2406	Mr Dean Matthews	3940	Mr & Mrs J Laxon
2410	Ms Kay Munjic	3944	Miss M Austin
2414	Mr S R Macklin	3952	Mr & Mrs M J Patel
2418	Mr G Digby	3956	Mr H G Banister
2422	S H Rickard	3960	Mr Craig Banister
2426	Sylvia Davidson	3964	Ms Lisa Banister
2430	Mr G Anderson	3968	Mrs M Banister
2434	Mrs M A Davies	3972	Mr B Humphrey
2438	Karen Moody	3976	Mr J R Ward
2442	Mrs Shepherd	3980	Mrs N Dean
2446	Mr R Prue	3984	Mrs J Foy
2450	Mrs S McClellan	3988	Mr & Mrs E & J Codling
2454	Wendy Stanley	4065	HCC Environment Department
2459	Mr S F James	4102	Lucas Aerospace
2463	Mrs J Y J James	4139	A J Patterson
2467	Mr S Sheppard	4147	Mrs Moxon
2471	P & G Silver	4151	Mr & Mrs T Dukes
2476	Mrs J Whelan	4206	Hemel Hempstead Open Space Society
2480	Mrs J Rowe	4217	Mr J Rowe
2484	Air Cdre & Mrs N & S James	4673*	HCC Corporate Services Department
2488	Mr & Mrs C Clifton	4749	Mr & Mrs Harvey
2492	Mr J Holm	4825	The Directors of Shendish Manor Estate
2496	Mr S T West	4837	Mr P Deacon
2501	Mr R Fuell	4899L	Mr A Tombs
2505	Mrs E Boyle	4907L	R D Cummins
2509	P & G Taylor	4923L	Mrs A Evans
		5158	Mr Tony McWalter MP

### Counter Objection

To Pre-Inquiry Change 49

5322 Wilcon Development Group Ltd

### Supports

1480 HCC Environment 2299 Miss V R Day

## Key Issues

- (a) Would the development of West Hemel Hempstead Phase II be compatible with PPG3 and the sequential approach it contains. (2010, 2080, 2091, 2740, 3004)
- (b) Is the additional housing necessary or could it be accommodated on existing sites within the urban area. (368, 1242, 1299, 1800, 1948, 2000, 2005, 2014, 2018, 2022, 2026, 2031, 2035, 2039, 2043, 2050, 2054, 2058, 2062, 2067, 2071, 2075, 2083, 2087, 2095, 2099, 2103, 2107, 2113, 2117, 2181, 2185, 2189, 2193, 2197, 2205, 2209, 2213, 2217, 2221, 2225, 2229, 2233, 2237, 2241, 2245, 2249, 2253, 2257, 2261, 2266, 2270, 2274, 2278, 2282, 2287, 2291, 2295, 2303, 2307, 2311, 2315, 2319, 2323, 2328, 2332, 2336, 2341, 2346, 2350, 2354, 2359, 2364, 2371, 2376, 2380, 2384, 2388, 2392, 2396, 2400, 2406, 2410, 2414, 2418, 2422, 2426, 2430, 2434, 2438, 2442, 2446, 2450, 2454, 2459, 2463, 2467, 2471, 2476, 2480, 2488, 2492, 2496, 2501, 2505, 2509, 2513, 2517, 2522, 2526, 2530, 2534, 2538, 2542, 2546, 2565, 2585, 2589, 2593, 2597, 2601, 2605, 2609, 2612, 2616, 2620, 2624, 2628, 2632, 2636, 2640, 2644, 2648, 2652, 2656, 2660, 2664, 2668, 2672, 2676, 2680, 2684, 2698, 2705, 2708, 2712, 2716, 2720, 2723, 2727, 2731, 2735, 2744, 2748, 2752, 2756, 2764, 2768, 2773, 2778, 2782, 2786, 2791,

2795, 2799, 2803, 2807, 2811, 2817, 2822, 2828, 2832, 2837, 2995, 3876, 3881, 3885, 3889, 3893, 3897, 3901, 3905, 3909, 3913, 3917, 3921, 3925, 3929, 3933, 3936, 3940, 3944, 3952, 3956, 3960, 3964, 3968, 3972, 3976, 3980, 3984, 3988, 4102, 4139, 4147, 4151, 4206, 4217, 4749, 4837, 4899L, 4907L, 4923L, 5158)

- (c) Should agricultural land be developed while brownfield sites exist. (2010, 2080, 2091, 2740, 3004)
- (d) Would the visual impact on the surrounding countryside be acceptable. (2010, 2080, 2091, 2740, 3004)
- (e) What effect would the development have on access to the countryside. (2484)
- (f) Would it have a detrimental impact on the environment and on local wildlife. (2010, 2080, 2091, 2740, 3004)
- (g) Is West Hemel Hempstead a sustainable proposal in terms of its access to facilities. (2010, 2080, 2091, 2484, 2740, 3004)
- (h) Would the development result in an unacceptable increase in traffic. (2010, 2080, 2091, 2484, 2740, 3004)
- (i) Is the existing infrastructure adequate. (2010, 2080, 2091, 2740, 3004)
- (j) Would the development result in increased flooding in the area. (2010, 2080, 2091, 2740, 3004)
- (k) Is the phasing too inflexible. (1824, 5322PC)
- (l) Is H51 correctly identified as an Area of Special Restraint on the Proposals Map. (1832)
- (m) Could the net capacity be increased. (1824, 5322PC)
- (n) Are the planning requirements appropriate. (1824, 5322PC)
- (o) Should reference be made to the undertaking of an archaeological evaluation. (4065)
- (p) Do the requirements make sufficient provision for future educational requirements. (4673)
- (q) Would land to the east of Green Lane, Hemel Hempstead provide a more suitable location for he additional housing. (2484)
- (r) Would the development of land at Shendish be preferable. (4825)

## Inspector’s Conclusions

### *General*

7.44.1. I have already dealt with most of the issues relating to development at West Hemel Hempstead when I considered the objections to Phase I (H34) in section 7.33 of my report. I therefore propose to restrict myself at this point to briefly reiterating the main points in my conclusions and addressing any site specific issues which relate solely Phase II of this development (H51).

### *(a) PPG3 and the sequential test*

7.44.2. I am satisfied that the Council has for the most part followed a similar approach to the allocation of housing land to that set out in the revised version of PPG3. The only substantial difference in my opinion is the lack of a full urban capacity study.

However, based on what I saw of the area, I consider that it is unlikely that such a study would reveal a significant amount of additional previously developed land within the urban area as being available for development during the Plan period. In the circumstances, I am not persuaded that the change in national housing policy set out in PPG3 is sufficient to justify my recommending that site H51 should be deleted from the Plan at this stage.

- 7.44.3. My view is strengthened in this case by the fact that H51 is contained within Part II of the Housing Schedule. This means that it should be held back for development until 2006 at the earliest. Moreover, under the provisions of Policy 18 it could be held back beyond this date should there be a substantial oversupply of housing land. I am satisfied that this would allow the Council sufficient scope to take due account of any additional brownfield land which came forward in the interim before granting planning permission for Phase II. However, I accept that if the urban capacity that the County Council is currently undertaking should identify a substantial amount of additional brownfield land then the Council will need to take this on board in determining what modifications to make to the Plan prior to its adoption.

**(b) *The need for the additional housing***

- 7.44.4. It is clear from my findings in section 7.4 of my report that the Structure Plan housing target for Dacorum could not be met without a significant amount of greenfield land being allocated for housing on the periphery of Hemel Hempstead in line with Policy 8 of the SPR. I have carefully considered the suggestion that more employment land could be used for housing but I am not satisfied that this would be an appropriate response. Not only could it damage the long-term economic sustainability of the Borough but it could also have serious repercussions for the maintenance of the Green Belt. I appreciate that some additional housing could be accommodated within the urban area by increasing housing densities or extending some sites (e.g. H27 and TWA8), but I consider this would be insufficient, in itself, to merit the deletion of H51. In my opinion, the much lower number of dwellings that are likely to come forward on unidentified sites would largely offset such increases. However, when the availability of alternative greenfield sites are also taken into account, I consider that there is scope for the allocation of West Hemel Hempstead Phase II to be reconsidered, especially if my recommendation regarding land at Marchmont Farm is accepted (*see section 0 of my report*). Accordingly, I would reiterate my recommendation that the Council seriously reconsiders its decision to allocate land at West Hemel Hempstead for housing.

**(c) *Loss of agricultural land***

- 7.44.5. The area lost to agriculture would be substantial, but it appears to be poorer quality land. Moreover, it would not jeopardise the viability of any agricultural holding. In the circumstances, I find that the loss of the land would not be contrary to the objectives of national policy.

**(d) *Visual impact on countryside***

- 7.44.6. Although H51 is set on the upper slopes of the Bulbourne valley where the land begins to level out, I saw that from some viewpoints on the southern side of the valley it would be very visible. It would also be prominent from FP21, which runs across its

northern edge of the site. While the effect could be reduced over time by additional planting I am not satisfied that this would entirely overcome the visual impact. I find therefore that development of H51 would form a significant visual intrusion into the countryside to the north west of Hemel Hempstead.

**(e) Access to countryside**

7.44.7. Although none of the existing footpaths would be closed due to the development it is clear that most would be enveloped within the built-up area if the proposal goes ahead. As there are very few footpaths in the adjoining countryside to the west and north, I consider that development of the site would reduce local residents’ ability to access the countryside, which would be likely to diminish their enjoyment.

**(f) Effect on wildlife**

7.44.8. The development would be unlikely to have a significant impact on the nature conservation interest of Shrubhill Common as the important limestone related flora and fauna that inhabit the LNR are unlikely to make much use of the area. Although development would have some impact on other wildlife, I accept that, with the exception of the impact on the local population of skylarks, this could be kept to an acceptable minimum through the provision of appropriate landscape strips, which would act as wildlife corridors. In my view the width and location of the strips shown on the Master Plan would generally be adequate for this purpose. However, I do have reservations about the location and width of the open space which is proposed to run west from Long Chaulden towards Pouchen End Lane since I judge it would be out of keeping with the overall framework of open space provision in Hemel Hempstead.

**(g) Accessibility**

7.44.9. While the Council’s assessment of sites gave the land at West Hemel Hempstead a very high score in sustainability terms, I have serious doubts about its accessibility to local services, particularly in respect of H51. I accept that the re-routing of existing bus services could address the problem of the site’s location in respect of public transport. However, I am not satisfied that this would be sufficient to address H51’s poor relationship with the existing local centres, health facilities and schools as well as to major convenience shopping facilities. It is clear that when one takes into account the local topography virtually all of H51 would be beyond the standard distances used by the Council to assess a site’s suitability for housing. I conclude, therefore, that H51 would have a poor level of accessibility to local services and facilities. This reinforces my view that the Council should reconsider its decision to allocate this land for housing development.

**(h) Traffic**

7.44.10. The Highway Authority accepts that subject to a number of highway improvements and the provision of appropriate bus facilities the local road network would be able to accommodate the additional traffic generated by development at West Hemel Hempstead. However, I have doubts about their conclusions, particularly in relation to the Northridge Way/Fishery Road, Fishery Road/London Road and Queensway/Leighton Buzzard Road roundabouts. I am not convinced therefore that the additional traffic generated by H51 could be safely accommodated on the local

highway network without causing unacceptable congestion. While this would not justify rejecting H51 on this ground alone it strengthens my view that its allocation as a housing site should be seriously reconsidered.

**(i) Infrastructure**

7.44.11. Although much of the existing infrastructure has sufficient capacity to accommodate the proposed dwellings, or could be suitably expanded to do so, I am concerned that the increased population could place considerable strain on the existing shopping centres at Long Chaulden and Stoneycroft. My view is strengthened by the limited scope for these centres to be expanded, particularly in relation to parking provision. I accept that it should be possible for local schools to be enlarged to accommodate the additional pupils, but I have concerns about local health facilities. While it might be possible to address this by relocating the existing surgery at Parkwood Drive, there is no doubt that this would disadvantage other local residents. In addition, it could increase car journeys since the opportunity to make linked trips would be diminished. This adds to my concerns about the development of H51.

**(j) Flooding**

7.44.12. It would appear that development of the land at West Hemel Hempstead would have the potential to increase flood frequency on adjoining land, particularly in the Chaulden Terrace Area. I am satisfied that it should be possible for this to be addressed by improvements to the capacity of the balancing pond on the site. However, I consider that the need for this matter to be fully investigated and any necessary mitigation measures to be undertaken should be highlighted in the planning requirements for H51 should the Council decide to retain it in the Plan.

**(k) Phasing**

7.44.13. I note the suggestion of Wilcon Development Group plc that the Plan should allow for the phasing of the development at West Hemel Hempstead to be more flexible. However, while commencing the development adjacent Long Chaulden may have advantages in accessibility terms, particularly in respect of existing bus services, I consider that this would be more than outweighed by the visual impact of phasing the development in this way. Should it subsequently be decided that the later phase should be held back, due to more brownfield sites coming forward, it would be much more difficult for the first phase to be successfully integrated into the landscape. I, therefore, recommend that no modification should be made to the phasing of the development of H51 should the Council determine that it would be appropriate for it to be retained in the Plan.

**(l) Area of special restraint**

7.44.14. In so far as the Plan intends for H51 to be held back for development until after 2006 I consider that it is appropriate for it to be distinguished on the Proposals Map from sites within Part I, which could be released immediately. However, identifying it in the same manner as sites reserved for implementation after the end of the Plan period could cause confusion. In addition, while the key to the Proposals Map indicates that the site should be treated as an Area of Special Restraint under Policy 111, the wording of the policy only refers to housing land reserves. Policies 17 and 18 make

clear that this term is intended to apply to Part III sites only. As the policy is currently worded, therefore, I accept that it would not be appropriate for H51 to be shown as an Area of Special Restraint on the Proposals Map.

7.44.15. However, in response to objections to Policy 111, the Council proposes to alter the wording of the policy (FC61) so that it relates to all sites that are held back for development at a later stage. I consider that it is entirely reasonable for the Council to seek to control development on land that is intended to be held back for subsequent release along the lines proposed in the amended Policy 111. Moreover such an approach would, in my view, accord with both national and Structure Plan policy. In the circumstances, I am satisfied that it would be appropriate for H51 to be identified as an Area of Special Restraint on the Proposals Map if it should be retained as a housing site in the Plan. I, therefore recommend that no modification should be made to the Plan in response to objection 1832.

**(m) Density of development**

7.44.16. It is clear from CD57B that the net density of the development would be in the region of 31.6 dwellings per hectare, which would fall within the range stipulated in paragraph 58 of PPG3. While it is possible that a slightly higher density could be achieved without detriment to the character of the area, in view of the site’s sensitive location I do not consider that it would be sensible for the stated capacity to be increased at this stage. I therefore, recommend that no modification should be made to the capacity of H51 should it be retained in the Plan.

**(n) Planning requirements**

7.44.17. Wilcon Development Group plc object to a number of the planning requirements including the requirement for 50% of the proposed dwellings to be affordable. In the light of my findings in section 7.8 I am satisfied that there is a need for a substantial amount of affordable housing. Within this context I do not consider that an indicative target of 50% provision is in principle inappropriate on suitable sites. There is no evidence that this site would be unsuitable for affordable housing or that this level of provision would render the development unviable. Accordingly, I recommend that no modification be made to the requirements in respect of the amount of affordable housing provision. However, if the site is retained in the Plan I recommend that the word “around” be inserted before the percentage figure to clarify that it is an indicative target rather than a minimum requirement.

7.44.18. I note the suggestion that the 3 phases of development at West Hemel Hempstead should be treated as one site. However, for the reasons I set out in paragraphs 7.33.87 and 7.33.88 I do not consider that such an approach would improve the Plan. I, therefore, recommend that no modification should be made to the Plan in this respect. However, I consider that the changes proposed under FC33 and FC41 would be appropriate if the site were to be kept in the Plan. The reference to the site being planned comprehensively with H54 would also need to be deleted in the light of my recommendation at paragraph 7.47.18.

**(o) Archaeological evaluation**

7.44.19. In the light of the evidence from the County Archaeologist I consider that the inclusion of a requirement for a more thorough evaluation of the site would not be unreasonable. Accordingly I would support the first part of the additional wording proposed under PIC49 should H51 be included in the adopted Plan.

**(p) Educational provision**

7.44.20. It is clear that local schools could not be able to accommodate all of the additional pupils that are likely to arise from the development of 300 dwellings on H51. In the circumstances, I consider that the insertion of an additional requirement relating to the need for a contribution to be made towards additional educational provision would be appropriate. However, I am not satisfied that the wording proposed under PIC49 would be sensible as it appears to imply that the developer would be required to physically provide the additional facilities. Clearly this is not what was intended. While the minor change in the wording proposed under FC34 would reduce possible confusion, I am concerned that the wording would not be consistent with similar requirements elsewhere in the Plan. I, therefore, recommend that if the site is retained in the Plan the wording should be altered to make clear that a contribution towards the provision of additional educational facilities will be required.

**(q) Land at Green Lane**

7.44.21. Since most of this land would appear to fall within St.Albans District it is not open to me to recommend that it be allocated for housing. Even if it was there would be no way that the Borough Council could ensure that such an allocation occurred. Moreover, it is far from clear in my view that such a location would be more sustainable than the land at West Hemel Hempstead. Consequently, I recommend that no modification should be made to the Plan in answer to this part of objection 2484.

**(r) Land at Shendish**

7.44.22. While I accept that the land at Shendish would be more accessible than the land at West Hemel Hempstead, I consider that it would have a more detrimental impact on the Green Belt and on the visual quality of the surrounding landscape. It would also erode the attractive setting of Shendish Manor. I am not persuaded, therefore, that it would be a better location for the housing proposed for H51. I recommend that no modification should be made to the Plan in response to objection 4825.

<b>Recommendation</b>
<p>7.44.23. <b>The Council seriously considers deleting Proposal H51 from the Schedule of Housing Proposal sites. Unless no other suitable land can be identified to accommodate the required housing then Housing Proposal Site H34 should be deleted from the Plan.</b></p> <p>7.44.24. <b>If the Council determines to retain H51 in the Plan then I recommend the planning requirements should be modified as follows:-</b></p> <p><b>(a) delete the reference to H54;</b></p>

- (b) insert the word “around” before the figure 50%;
- (c) delete the requirement for frontage development in accordance with FC41;
- (d) amend the requirement in respect of passenger transport as per FC33;
- (e) insert a requirement for a programme of archaeological evaluation and necessary mitigation measures in accordance with PIC49;
- (f) add a requirement in respect of the provision of additional educational facilities along the following lines:  
  

“A contribution towards the provision of additional educational facilities will be required.”;
- (g) include a further requirement in respect of the need for the potential for the development to increase flood risk to adjacent areas to be thoroughly assessed and for any approved scheme to include the necessary measures to mitigate the impact.

## 7.45. HOUSING PROPOSAL SITE H52 LAND AT DURRANTS LANE/SHOOTERSWAY, BERKHAMSTED

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
495	Captain I V Baker	4066	HCC Environment Department
500	Egerton-Rothesay School Ltd	4103	Lucas Aerospace
1243	The Chiltern Society	4104	Lucas Aerospace
1791	Miss S Brightley	4167	The Governors of Ashlyns School
1950	Taywood Homes Ltd	4674	HCC Corporate Services Department
3777	Mr Ian Johnston	4768	Berkhamsted Town Council
3856	Mrs Tracey Singer	4826	The Directors of Shendish Manor Estate
3997	HCC Corporate Services Department	4880L	J M Bailey

### Support

To Pre-Inquiry Change 50  
5611 Berkhamsted Town Council

### **Key Issues**

- (a) Is it appropriate for the Plan to identify land at Durrants Lane/Shootersway, Berkhamsted as a housing proposal site. (495, 1243, 1791, 3777, 3856, 4066, 4103, 4104, 4768, 4826, 4880L)
- (b) Should additional land be included within the proposal site. (1950)
- (c) Would it be more appropriate for the Proposal to be included in Part I of the Schedule of Housing Proposal Sites. (500,3997)
- (d) Is it appropriate for the development of the site for housing to be linked to the relocation of Egerton-Rothesay School to adjoining land. (500)
- (e) Does the level of affordable housing sought adequately reflect the local and site specific circumstances. (3997)

- (f) Should a contribution be sought towards education provision. (4674)
- (g) Would it be more appropriate for land at Ashlyns School to be developed for housing. (4167)

## **Inspector’s Conclusions**

### **(a) *Suitability for housing***

7.45.1. The objectors raise a number of concerns about the proposal to develop land at Durrants Lane/Shootersway. These include the need for the proposed housing and whether sufficient allowance has been made for the reuse of industrial sites in Berkhamsted; the scale of the development and the impact on the landscape; the accessibility of the site; the capacity of the existing infrastructure; the effect of the additional traffic on local roads; whether the loss of playing fields conflicts with national policy; the need for open spaces for community use; the availability of the site and of alternative locations; the effect of development on the site’s archaeological importance; and whether the site is correctly identified on the Proposals Map. I shall deal therefore with each of these issues in turn.

#### ***The need for additional housing and the reuse of employment land***

- 7.45.2. I have already established in section 7.4 of my report that the allocation of a significant element of greenfield land for housing will be necessary in order to meet the Structure Plan target of 7,200 dwellings being provided in Dacorum by 2011. Moreover, I consider that more housing will need to be provided on identified sites than originally proposed in the Plan in the light of my findings in paragraphs 7.4.99 to 7.4.150. I accept that some of this could be achieved through increasing densities and/or extending existing sites. However, I am not satisfied that this would be sufficient on its own to meet the housing requirement, especially if some of the greenfield sites, which I am concerned have the potential to cause serious harm, are deleted. I consider, therefore that there will be a need for a small amount of additional greenfield land to be released during the Plan period.
- 7.45.3. In my view it makes most sense to look first at the sites included in Part III of the housing schedule to determine whether any of these would be sufficient to meet the outstanding need. Since only a small amount of additional land would be required I find no justification for moving all these sites forward, particularly in the light of my conclusions in sections 7.4 and 7.5 of my report. In my view, development of H53 and H54 would have a harmful impact on the landscape and development of H55 would seriously undermine the purposes of the Green Belt. In the circumstances, and bearing in mind the substantial advantages that would arise, I deem that the most suitable site to meet the outstanding need would be the land at Durrants Lane/Shootersway. I am satisfied, therefore that there is a need for this site to be allocated for housing.
- 7.45.4. In reaching this conclusion, I have noted the comments made by the Chiltern Society (1243) regarding the re-use of existing industrial sites in Berkhamsted. However, it is clear that the Council has already taken account of possible provision from the land at Gossoms End East and West under the terms of Policy 33. Although the figure for identified sites in Policy 17 does not include for the development at the Glaxo-Wellcome site on Manor Street/Ravens Lane, the unidentified site figure does allow for additional development on unidentified employment sites outside the existing

GEAs identified under Policy 33. I am satisfied, therefore, that the Council figures did take appropriate account of the potential for employment land in Berkhamsted to be reused for housing.

- 7.45.5. Increasing the extent of employment land allocated for housing within Berkhamsted would, in my view, put significant pressure on existing firms to relocate. Since the amount of vacant employment land within the town is limited, I believe this could result in existing businesses leaving the town. In my view this would not only have a detrimental affect on its economy but it could also lead to an increase in out commuting, which would be contrary to the sustainability objectives of national and Structure Plan policy.

*The scale of the development and impact on the landscape*

- 7.45.6. Although concern is expressed about the scale of the development and its impact on the surrounding landscape, I judge that the housing would not be visible from the opposite side of the Bulbourne valley, owing to the intervening vegetation and the site’s location on the flatter upper slope. It would be similarly screened by vegetation from the west. While it would be visible from a short section of Shootersway and for a small area of the countryside to the south, it would be screened from more distant viewpoints by the intervening ridge line. IN my view, the visual impact on Shootersway would be partly mitigated by the fact that it would be set back a considerable distance from the road. The effect could be reduced still further if the existing vegetation along the southern boundary was supplemented by further planting. In the circumstances, I am satisfied that the development would have a limited impact on the surrounding landscape.

- 7.45.7. I note the view of Miss Brightley (1791) that the development would be out of proportion to the size of the area and its population but I do not accept this. While I appreciate that there may have been significant new building in Northchurch in recent years, I am not satisfied that the addition of another hundred dwellings would constitute a significant increase in the scale of the existing settlement. Nor is it likely in my view to result in the existing services and infrastructure becoming swamped. I accept that the impact on Northchurch would be greater if the land at New Road (H53) was also developed. However, I see no need for that site to be developed during the Plan period and I have recommended that it should be deleted for the reasons I have set out in section 7.46 of my report. I am satisfied, therefore, that the proposed development at Durrants Lane/Shootersway would not be out of proportion with the size of the area or its population.

*Accessibility of the site*

- 7.45.8. I am considerably more concerned about the accessibility of the site. The Council’s original assessment of their areas of search identified the site as having a score of +7, which effectively made it the sixth most suitable location in sustainability terms. However, this related to a much larger area on the southern side of Berkhamsted. The Council’s subsequent assessment of the main greenfield and objection housing sites (CD53A) shows it as having a score of 12. This would give it one of the lowest scores of any site identified in the Plan. Indeed, I note that it achieves a lower score than many of the omission sites put forward by objectors, including the site at Hilltop Road.

- 7.45.9. The site is located a significant distance from the nearest local centre and is even further from the railway station. The nearest primary school would be over 600 metres away, which is well beyond the distance specified in “Sustainable Settlements” (CD86). Although there is a bus stop on Tresco Road the service is very sporadic and it is unlikely in my view that the provision of one hundred additional houses would be sufficient to justify an increase in frequency. The nearest regular service runs along Durrants Road some 500-600 metres down a very steep hill. Although the nearest employment area would be within the specified distance I do not consider that overall the site rates highly in accessibility terms. I accept, therefore, that it is likely to generate a greater level of car usage than other housing sites proposed in the Plan.
- 7.45.10. However, the proposal to release this land forms part of a comprehensive package. In addition to the housing allocation, this would involve the expansion and relocation of Egerton-Rothesay School, the reuse or re-development of buildings in Charles Street, currently occupied by the Lower School, for housing and the provision of an extensive area of public open space. Although, I accept that the issue is finely balanced I consider that overall these benefits are sufficient to outweigh the site’s disadvantages in terms of its accessibility.

***Capacity of existing infrastructure***

- 7.45.11. Although concern is raised by at least one objector (3777) regarding the capacity of the existing water supply, there is no substantive evidence that it would be overburdened by the construction of one hundred additional dwellings in this location. Indeed there would appear to have been no objection from the local water company in respect of this allocation. There is no indication that any of the other utilities would have insufficient capacity to accommodate the proposed development.
- 7.45.12. Another objector (4880L) states that existing schools are over-subscribed. However, the evidence from the Education Authority would suggest that there remains some spare capacity in schools in Berkhamsted. Moreover, it appears that the take up of private education is far higher than average in Berkhamsted. Even if existing schools were unable to accommodate the additional pupils it seems that there would be scope for them to be expanded. Consequently, I am not persuaded that the development would put an intolerable burden on local educational facilities.
- 7.45.13. I appreciate that even with the modest expansion proposed at Northbridge Road GEA (E1) existing employment provision within Berkhamsted is unlikely to be sufficient to support the existing population. It is possible therefore that further house building within Berkhamsted could lead to an increase in out-commuting. However, the level of out-commuting from the town is already high. Within this context I consider that the small amount of additional housing proposed in the Plan would have a marginal impact on commuting patterns. I am not satisfied therefore that it would outweigh the advantages of the development of H52.

***Traffic considerations***

- 7.45.14. Berkhamsted Town Council (4768) and a number of other objectors raise concerns about the effect of the additional traffic from the development on the surrounding road network. At present Egerton-Rothesay School is estimated by the Highway Authority

to generate some 163 car trips during the AM peak, which is considered to be equivalent to the traffic from 172 houses. Consequently, if the site were redeveloped for 100 houses and the school moved to another location elsewhere there would be a reduction in traffic levels on the surrounding road network. If on the other hand the school moved onto the adjacent land, which seems to be the more likely scenario, there could be some 95 additional trips during the morning peak. If the Charles Street campus were also relocated to the site the development could generate around 188 further trips<sup>93</sup>.

- 7.45.15. In my view, a further 95 trips in the morning peak could probably be safely accommodated on the existing road network with only minor improvements (e.g. improving the visibility at the Durrants Lane and High Street junction). However, I have greater concerns about the 188 additional trips that could arise if the Charles Street campus was relocated. My concern is strengthened by the fact that at present a significant number of parents would appear to walk their children to the Charles Street campus. In view of the relatively remote location of the new site at Shootersway this is unlikely to continue once the campus is moved. It is possible, therefore, that traffic levels could actually be higher than predicted. This could have an impact on the safety and convenience of other road users.
- 7.45.16. The provision of a roundabout at the Durrants Lane/Shootersway junction, as suggested by the Highway Authority, would undoubtedly help to reduce potential problems. However, I am concerned that there could also be problems with the junction of Shootersway and Kings Road, which already experiences some congestion in peak hours. While it is possible that this could be resolved through appropriate improvements to the junction, it seems to me that other measures may also be necessary. In particular the introduction of a school travel plan, in accordance with the advice in paragraph 89 of PPG13, could help to reduce the amount of additional traffic that would result from the relocation of the Charles Street campus.
- 7.45.17. As the planning requirements already state that improvements to local road facilities must be investigated and provided for, I consider that the Plan already adequately addresses the need for possible road improvements. However, I would recommend that the requirements should be modified to indicate that the submission of a school travel plan would also be required in conjunction with the relocation and/or expansion of Egerton-Rothesay school. Similar modification would be necessary to C1. Subject to these amendments I am satisfied that the increase in traffic levels on the surrounding road network should not have an unacceptable impact on the safety and convenience of other road users.

***Loss of playing fields and need for open space***

- 7.45.18. Mr Johnston (3777) states that building on a school playing field would be contrary to Government guidance. Captain Baker (495) and Mr Bailey (4880L) point out the dire need for open space in Berkhamsted.

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<sup>93</sup> These figures, which are taken from LPA Doc. No. 776 DBC/3A do not take into account any traffic arising from the use of the proposed playing fields. However, vehicular movements related to this use are more likely to occur off-peak.

- 7.45.19. I accept that Government policy as set out in PPG17 and Circular 9/98 seeks to avoid the loss of school playing fields. However, paragraph 42 of PPG17 makes clear that this does not apply where alternative provision of equivalent community benefit is made available. In this case the linked proposal would involve the provision of some 3.7 hectares of formal recreational space, which would be able to accommodate around 4 pitches. These would be managed by the school but made available to local sports clubs on a pre-booked basis. As the area would not only be larger than the existing playing fields but would also be more readily available for public use, I consider it would constitute a significant improvement over the current position. It would therefore provide much greater community benefit. Consequently, I am satisfied that the Proposal would not be contrary to national policy.
- 7.45.20. Turning to the issue of open space provision with Berkhamsted it is clear that the town is seriously deficient in open space (*see paragraphs 12.33.25 to 12.33.28 of my report*). In particular Background Paper 2 to the adopted Local Plan (CD130), which was prepared in 1992, shows a substantial area immediately to the south-west of the Proposal site as lying more than 400 metres from an area of public open space. The situation would not appear to have changed significantly since then, despite the long-standing commitment for playing fields to be provided on part of the Proposal site. Judging from past experience it seems extremely unlikely that the additional playing fields would be provided without the proposed housing development. In the circumstances, I find that rather than increasing the existing deficit this Proposal would actually help to address it. This is one of the primary reasons why I consider that significant benefits would arise from the development of the Proposal site, which would outweigh the disadvantages.

*Availability of the site and of alternative locations*

- 7.45.21. In addition to their concerns about the impact of the Proposal on the Green Belt and the character of the adjoining countryside, The Directors of Shendish Manor Estate (4826) query whether this site would be genuinely available. I accept that initially there appeared some uncertainty about whether the package proposed in the Plan could be achieved, as the school appeared to consider that relocating elsewhere might be a better option. However, prior to the close of the Inquiry it became apparent that agreement had been reached between the three landowners, including Egerton-Rothesay School, on the principles of the development of the site.
- 7.45.22. The draft master plan (*see O/500/10 7 O/3997/9*) that they have prepared would appear to coincide with the Plan proposals and is broadly welcomed by the Borough Council. The only remaining areas of disagreement being the location of the Green Belt boundary, which I have already dealt with at section 4.19, and the phasing of the site, which I address under issue (c) below. I am satisfied, therefore, that there is a reasonable prospect of this site coming forward for the proposed development. Indeed in the light of the agreement between the landowners I consider that the requirements could reasonably be amended to more closely reflect the pattern of development put forward in the master plan. I recommend that the Plan be modified accordingly.
- 7.45.23. I note the suggestion of J M Bailey (4880L) that there are other sites in Berkhamsted and surrounding areas that could accommodate the housing. However, no other sites are suggested. The only other specific option that has been put to me is the land at Ashlyns School, which I consider under issue (g) below. I am not satisfied that this

would be a more suitable location for housing for the reasons I have already set out in section 4.20 of my report. There is no evidence of other suitable sites being available. Certainly none would appear to provide the same benefits that development at Durrants Lane/Shootersway would achieve.

***The archaeological interest of the site***

- 7.45.24. The site lies within an Area of Archaeological Significance due to the presence of prehistoric monument of Grims Ditch, which runs across the land. The County Archaeologist (4066) argues that the archaeological remains within the site are likely to be of national interest. He, therefore, contends that the need for archaeological evaluation and the likelihood of the site containing remains worthy of preservation in situ should be highlighted in the Plan. He also suggests that the projected number of dwellings may need to be reviewed in consequence. The Council accepts the need to give greater prominence to the need for evaluation and therefore proposes to amend the Plan under PIC50 to address this. It does not, however, accept that there is a need to reduce the capacity of the site.
- 7.45.25. I accept that PIC50 would address the issue of the need for a more detailed archaeological evaluation of the site. However, I am not satisfied that it goes far enough to meet the objection. The proposed wording is similar to that suggested for a number of other housing sites where the evidence of important archaeological remains is far less substantial. In my view there seems a far greater degree of certainty in this case that the remains of Grims Ditch will be discovered on the site and that they will be of sufficient merit to warrant their retention in situ. In the circumstances, I agree with the County Archaeologist that this possibility needs to be highlighted in the Plan.
- 7.45.26. However, I am not satisfied that this is sufficient to justify reducing the capacity of the site at this stage, particularly in the light of the advice in PPG3 about making the best use of the land. In my view there could be other measures, including amendments to the layout, design or size of the dwellings, which could enable the remains to be retained in situ without reducing the overall number of houses. Consequently, I recommend that in addition to the changes put forward under PIC50 the requirements should be modified solely to highlight the likely presence of Grims Ditch on the site and the probability that the remains will need to be retained in-situ.

***The Proposals Map and the urban boundary***

- 7.45.27. Lucas Aerospace (4104) point out that the proposal states it will be confined to the urban area but the site is shown on the Proposals Map as falling within the Green Belt. The Council accepts that this is an error and proposes under FC86 to amend the urban boundary to include H52. Strictly speaking the objector is incorrect in stating that the Proposals Map shows H52 as being within the Green Belt. However, it does show it as being outside the urban area and within a Landscape Conservation Area.
- 7.45.28. I consider it would be sensible for the area of H52 to be included within the urban area, particularly in view of my conclusions on the phasing of the site. However, I consider that in the light of my findings in section 4.19 of my report it would make more sense for the urban boundary to be redrawn along Durrants Lane and Shootersway to coincide with the revised Green Belt boundary that I have

recommended in paragraph 4.19.28. In addition, I consider that it would be appropriate for this area to be excluded from the Landscape Conservation Area at the same time. Finally, while I accept that the linkage between H52 and the L1/C1 proposals is extremely important I see no need for the site area for H52 stipulated in the Plan to cover the whole of this area, particularly as H52 is separately delineated on the Proposals Map. Accordingly, I recommend that the Proposals Map should be modified to show the urban boundary running along Durrants Lane and Shootersway and to exclude the area from the Landscape Conservation Area. I also recommend that the stated area of H52 should be reduced to 4.4 hectares and any necessary consequential amendments made to the planning requirements.

### ***Conclusions***

- 7.45.29. I conclude that there is a need for greenfield sites to be allocated for housing in order to meet the Structure Plan requirement. In the light of my findings regarding both the number of dwellings likely to come forward on unidentified sites and the suitability of some of the identified sites, I consider that it will be necessary for a small amount of additional greenfield housing to be provided. In my view the site at Durrants Lane/Shootersway is the most logical candidate due to the limited visual intrusion it would cause and the significant benefits it would bring. I am satisfied that the development would not have a substantial impact on the wider landscape and that it would not be out of proportion with the scale of the town.
- 7.45.30. The site does not rate well in terms of its accessibility in relation to either existing public transport services or its proximity to local facilities. However, I consider that this is outweighed by the significant advantages that would arise. I am satisfied that the existing infrastructure either has enough capacity to cope with the development or could be suitably expanded. I appreciate that the overall development could have an impact on the safety and convenience of other road users of the local road network, particularly if the Charles Street campus of Egerton-Rothesay school is relocated to the site. However, I judge that appropriate highway improvements and the introduction of a school travel plan could satisfactorily mitigate this. Although the existing playing fields would be lost this would be more than compensated for by the provision of a much larger area of open space that would be available for use by local clubs.
- 7.45.31. I am satisfied that there is a reasonable prospect that the site would be genuinely available for development and I find no evidence of any site that would provide similar benefits. There is no doubt that the presence of Grims Ditch and the probability that it will need to be preserved in-situ needs to be given greater prominence. However, I see no need to reduce the capacity of the site at this stage. I consider that it will be necessary to amend the Proposals Map to show H52 and the adjoining land covered by C1 and L1 within the urban area and omitted from the Landscape Conservation Area. The Area of the site should be reduced so that it covers only H52 and the requirements should be amended accordingly. The area of C1 and L1 will also need to be modified to 10.2 hectares in light of this.

### ***(b) Inclusion of additional land***

- 7.45.32. Taywood Homes originally sought the allocation of the whole of the land covered by H52/C1/L1 for housing. Prior to the close of the Inquiry, however, they confirmed that they had reached agreement with the other landowners regarding the future of this

land and accepted in principle the development package proposed in the Plan. It would appear therefore that their objections relate solely to the location of the Green Belt and urban boundaries and the phasing of the site. They also seek to maintain a separate objection to the allocation of land to the west of Durrants Lane. I deal with this later in section 7.51 of my report.

- 7.45.33. Even if Taywood Homes had wished to maintain their objection, which sought the allocation of C1/L1 for housing, I am not satisfied that there would have been sufficient grounds to justify such a modification being made to the Plan. In my view, there is no need to allocate more greenfield land for housing in this location. Moreover, the development of the additional land would not only be unsustainable due to its poor accessibility but it would also have a deleterious impact on the adjoining countryside and lead to significant highway safety problems on the surrounding road network, owing to its substantial scale.

**(c) Phasing**

- 7.45.34. It is argued by the landowners that it would be more appropriate for development of the land to be brought forward to Part I of the housing schedule in order to meet housing needs. Even if it is not justified on the ground of housing need, they contend that moving the phasing of the site forward would give greater certainty to achieving the package of development sought by the Plan and would ensure the provision of much needed open space at an earlier stage.

- 7.45.35. As I have previously stated in paragraph 7.45.3 above I consider that there is a need for a small amount of additional greenfield land to be allocated for housing to meet the Structure Plan requirement during the Plan period. In view of the significant benefits that would arise, including the achievement of the long-standing commitment to provide playing fields in this location, I consider that it would make sense for H52 to be brought forward for development during the Plan period. However, although part of the proposed housing would be on previously developed land, the overall development package would involve housing being built on the existing playing fields and the construction of school buildings on the field to the south. Bringing the site forward into Part I could therefore result in greenfield land being developed before previously developed land within the urban area. In my view this would conflict with the aims of PPG3. I consider it would be more appropriate, therefore, for the site to be moved forward into Part II for implementation between 2006 and 2011.

- 7.45.36. In reaching this conclusion, I have taken account of the arguments about ensuring the benefits. However, in view of the length of time that the provision of the playing fields has already been outstanding I do not consider that a delay of a further 4 years is likely to seriously prejudice the scheme coming forward. I am not satisfied, therefore, that the need for certainty is sufficient to outweigh the advice in PPG3. Accordingly, I recommend that the Plan should be modified by moving Proposal Site H52 from Part III to Part II of the Schedule of Housing Proposal Sites.

**(d) Linkage between housing provision and relocation of school.**

- 7.45.37. Egerton-Rothesay School originally questioned whether it was appropriate to link the development of H52 for housing to the relocation of the school onto the adjoining land. It considered that there might be other more suitable sites for the school. It

therefore suggested that the relocation of the school might be better addressed by a criteria based policy. However, prior to the close of the Inquiry the objector was able to reach agreement with the adjoining landowners Taywood Homes to proceed on the basis on the development package sought in the Plan. Consequently, it no longer seeks to proceed with that part of its objection that relates to the link between the provision of the housing and the relocation of the school.

- 7.45.38. As I have indicated above I consider that the benefits of the overall package proposed in the Plan are an essential element of the scheme since without them the poor accessibility of the site would make it an unsuitable location for new housing. Consequently, I recommend that no modification should be made to the Plan in respect of the linkage between the various elements of the development. However, I see no need for the three proposals to be treated as one site in order to achieve this, particularly when H52 is separately identified on the Proposals Map. I therefore reiterate my view that the site area for Proposal H52 should be amended to reflect the actual area proposed for housing.

**(e) Affordable housing**

- 7.45.39. The County Council questions whether the level of affordable housing sought in the Plan appropriately reflects the particular circumstances of the site. In particular it argues that the funding of the new school would not allow for providing extraneous benefits. In response the Borough Council maintains that it was never intended that the relocation of the school should be entirely funded from the proceeds of the development. It considers that 40% is a reasonable starting point for negotiation. It would not preclude the factors mentioned by the objector being taken into account in establishing the precise level of affordable housing.
- 7.45.40. Based on my findings in section 7.8 of my report I am satisfied that there is a need for a significant level of affordable housing to be provided in the Borough. It is apparent that even if all the indicative targets for individual sites were to be met the amount of affordable housing that would be provided would be insufficient to address this need. Consequently, I do not consider that a requirement for 40% of the proposed housing to be affordable would be unreasonable in principle.
- 7.45.41. I appreciate that the housing development may need to contribute towards other matters including the re-location of the Egerton-Rothesay School. However, I do not feel it would be reasonable to expect the development to fund the entire costs of the re-location. Although it is argued that the costs of the other benefits would affect the ability of the site to contribute towards affordable housing provision there is no substantive evidence that the proposed level of provision would render the scheme unviable. In the circumstances, I am not persuaded that there are sufficient grounds at this stage to justify a reduction in the target for affordable housing on this site.
- 7.45.42. Policy 21, as amended, would allow for a lower figure to be negotiated if the detailed costings for the scheme were subsequently to indicate that a 40% level of provision would be likely to affect the viability of the scheme. Consequently, I am satisfied that the retention of the indicative target should not jeopardise the realisation of the scheme. However I consider that it would be better if the word “around” was inserted in the requirements before the percentage figure to make clear that it is an indicative

target rather than a minimum figure. I recommend that the Plan should be modified accordingly.

**(f) Educational provision**

- 7.45.43. The County Council argues that the developer should also be required to make a contribution towards the provision of additional educational facilities. Although it accepts that there is some spare capacity in Berkhamsted schools at present it contends that by the time development comes forward on this site the situation may have changed. The Borough Council considers that the level of need for additional educational provision is likely to be much lower than elsewhere in the Borough due to the high take up of private education in the town. However, it concedes that it is difficult to predict the level of need that may exist by the time development commences on this site. It therefore proposes under FC35 to amend the requirements to make clear that a contribution to education provision may be required depending on school capacities when the site comes forward.
- 7.45.44. At present local schools would appear to have the capacity to accommodate additional children, but this may change over time. I appreciate that the uptake of private education appears to be very high in Berkhamsted<sup>94</sup>. However, there can be no certainty that the future occupiers of H52 would follow the same pattern. The proximity of the site to Egerton-Rothesay school could make the housing more attractive to parents who wished to send their children to the school. It is possible therefore that the number of additional pupils that the state system would be required to accommodate may be higher or lower than the average for Berkhamsted.
- 7.45.45. Bringing forward development to the period after 2006 should make it easier to predict the level of spare capacity that may be available in the state system at the time the development comes forward. However, I accept that such predictions are subject to changing circumstances. Consequently, I consider that the most sensible course of action would be to include a qualified requirement along the lines put forward in FC35. The wording will need to be amended slightly to be consistent with the changes I have recommended in respect of other proposal sites. Accordingly, I recommend that the Plan be modified in accordance with FC35, subject to minor changes to the wording to ensure consistency with similar requirements elsewhere in the Plan.

**(g) Land at Ashlyns School**

- 7.45.46. The Governors of Ashlyns School suggest that the development of land at Ashlyns School would be preferable to the development of H52. I deal with this alternative site in more detail in paragraphs 7.51.15 to 7.51.20 of my report. Although the suggested site would be slightly more accessible, it would have a greater impact on the Green Belt and the surrounding landscape. Moreover, while it would bring some subsidiary benefits, I am not satisfied that they would equal those that would be provided by H52, particularly as Ashlyns School is not located in an area of serious open space deficiency. I, therefore, recommend that no modification should be made to the Plan in response to objection 4167.

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<sup>94</sup> The research done by the County Council (see O/4660, 4661, 4674/2) indicates it to be 50% at secondary level and less than 25% at primary level.

**Recommendation**

7.45.47. The Plan be modified as follows:-

- (a) move Proposal site H52 from Part III to Part II of the Schedule of Housing Proposal sites;
- (b) amend the area specified in the Plan by deleting the figure of 14.6 and substituting the figure 4.4;
- (c) delete the bracketed reference to the maximum housing area under the net capacity;
- (d) make the necessary consequential amendments to the requirements to reflect the changes to the site area and to more closely reflect the proposed master plan. In particular reference to the school being redeveloped or extended on its existing site should be deleted;
- (e) in addition make the following further changes to the requirements:-
  - (i) insert the word “around” before the figure of 40%;
  - (ii) add a requirement for a school transport plan to be prepared and submitted;
  - (iii) include an additional requirement in respect of a contribution towards additional educational provision in accordance with FC35, subject to the wording being amended to be consistent with other changes to the schedule;
  - (iv) incorporate a further requirement relating to the archaeological interest of the site along the following lines:-

“The site is considered to contain remnants of Grims Ditch a prehistoric monument. A full assessment of the site’s archaeological potential will therefore be required before development takes place, with implementation of measures to mitigate the impact of new development as necessary. These are likely to include the preservation of any remains in situ.”;
  - (v) delete the reference to archaeological remains in relation to the development brief as proposed under PIC50.
- (f) amend the Proposals Map as follows:-
  - (i) alter the urban boundary to run along Durrants Lane and Shootersway in accordance with the modified Green Belt boundary shown in Figure 2;
  - (ii) omit the area of H52/C1/L1 from the Landscape Conservation Area.

## 7.46. HOUSING PROPOSAL SITE H53 LOCK FIELD, NEW ROAD, NORTHCHURCH, BERKHAMSTED

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
496	Captain I V Baker	4064	HCC Environment Department
1244	The Chiltern Society	4105	Lucas Aerospace
1547	Linden Homes South-East Ltd	4168	The Governors of Ashlyns School
1549	Linden Homes South-East Ltd	4675*	HCC Corporate Services Department
1792	Miss S Brightley	4769	Berkhamsted Town Council
2852	British Waterways	4827	The Directors of Shendish Manor Estate
3778	Mr Ian Johnston	4881L	J M Bailey
3857	Mrs Tracey Singer		

### Support for pre-inquiry change

For Pre-Inquiry Change 51  
5378PC Linden Homes South-East Ltd

### **Key Issues**

- (a) Is land at Lock Field, New Road, Northchurch a suitable site for housing. (496, 1244, 1792, 2852, 3778, 3857, 4105, 4168, 4769, 4827, 4881L)
- (b) Has sufficient allowance been made for the reuse of industrial sites in Berkhamsted. (1244)
- (c) Can local roads accommodate the additional traffic generated by the proposal. (1792, 3778, 4881L)
- (d) Is the site adequately served by public transport. (3778)
- (e) Does the local infrastructure have sufficient capacity to accommodate the development. (4881L)
- (f) Would the proposal have an unacceptable impact on the Grand Union Canal and the setting of the AONB. (2852, 4769)
- (g) Would it be better if the site was included in Part I of the Schedule of Housing Proposal Sites. (1547)
- (h) Should development of the site be dependent on the construction of the New Road/Springfield Road link. (1547)
- (i) What level of open space is appropriate for the site. (1549)
- (j) Should a contribution towards additional educational facilities be sought and if so what form should it take. (4675, 5378PC)
- (k) Do the planning requirements give adequate priority to the site’s archaeological importance. (4064)
- (l) Should a sanitary station be provided for the benefit of passing boaters. (2852)

### **Inspector’s Conclusions**

#### **(a) *Is the site suitable for housing***

7.46.1. In considering this issue I shall deal primarily with the question of the site’s sustainability as a location for new housing. I address the questions of the impact of the development on the local landscape and Grand Union Canal under issue (f) and the need for the site and whether or not it is appropriate for the Plan to identify it as a housing reserve site under the issue (g) below.

- 7.46.2. The Council’s initial assessment of the areas of search (see CD43) identified land at Northchurch as having a score of +8 using environmental appraisal sustainability criteria. However, this assessment included land to the south of the canal, which lies in the floodplain. Its subsequent assessment of H53 using the same criteria (see CD53A) established it as having a sustainability score of 16, which was the third highest score given to all identified housing sites, including those suggested by objectors. Based on this assessment it would appear that the site would be a sustainable location for housing. However, as I have indicated in paragraphs 4.3.16 to 4.3.49 of my report I have some reservations about the application of some of the sustainability criteria and the way they have been assessed. I have, therefore, looked in more detail at the individual criteria.
- 7.46.3. As the site is over 2 kilometres from Berkhamsted Station I find that it is not well related to local train services. Bus services along New Road are relatively infrequent. There are more frequent services along the A4251 with the 500/501 service running at half hourly intervals and the 322/414 service at hourly intervals on week days. Since the bus stops for these services would be within 310 metres of the site I accept that they would meet the Council’s criteria. However, I have some reservations about the accessibility of these services as future occupiers would have to traverse the narrow bridge across the canal to reach the bus stop. As the bridge only has a single narrow pavement, which is located on the opposite side of the carriageway to the site, there is a danger in my view that walkers would come into conflict with vehicles. Moreover, around half the site would be more than 400 metres from the bus stop. These factors may discourage people living on the site from using local bus services.
- 7.46.4. Since the site is within 1000 metres of the main employment area at Billet Lane/Northbridge Road/River Park, which could be accessed on foot or cycle along the canal towpath, I accept it would be reasonably well related to employment opportunities. I am much more concerned about its relationship to shopping centres. Although at 460 metres the site would be well within the Council’s specified distance of 800 metres to a local centre, people seeking to access it on foot would again have to cross the narrow canal bridge. In addition, the range of shops at Northchurch is extremely limited. The larger facilities available in Berkhamsted town centre would be over 1700 metres from the site, which is considerably more than the 1000 metres specified in paragraph 10 of Appendix 2 to CD43.2. I consider, therefore, that the site would have a relatively poor relationship to shopping facilities.
- 7.46.5. In reaching this conclusion I have noted that Figure 1 in CD43.2 shows a distance of 2 kilometres as being a possible standard distance to a district centre. However, this figure is taken from “Sustainable Settlements” (CD86). It does not appear to be the standard that the Council has chosen to adopt. Even if they had, I consider that in this case a shorter distance would be appropriate, owing to the very limited range of facilities in the local centre.
- 7.46.6. As the site is only 280 metres from St Mary Primary School the new housing would be in reasonable proximity to primary level education facilities. However, once again it would be necessary for pedestrians to cross New Road and the narrow canal bridge to reach the school. The distance to Ashlyns Upper School would be 3,400 metres. This is well beyond the specified distance of 1,500 metres for a secondary school. Although there is a public bus service to the school from Springfield Road the bus stop

is over 400 metres away from the nearest point of the site. I am not satisfied, therefore, that the site is well related to secondary level education facilities.

- 7.46.7. In conclusion, I find that although the site scores well in respect of its accessibility to some facilities/services it scores much less well on others. Consequently, I question whether the Council’s assessment gives a truly accurate picture of the site’s sustainability. In particular, I consider that it gives inadequate weight to the fact that the site is separated from most facilities/services by the canal. I consider therefore that it may be a less sustainable location than other sites on the edge of Berkhamsted. Certainly it is less sustainable, in my view, than the site at Bank Mill Lane, which the Council proposes to delete as a housing site.
- 7.46.8. Nevertheless, I accept that the site probably would satisfy the criteria in paragraph 31 of PPG3. Consequently, in the absence of a more thorough examination of the relative sustainability of alternative locations around Berkhamsted, I am not satisfied that the site’s relationship with existing facilities/services would be so poor as to make it totally unsuitable for housing.
- 7.46.9. I have considered the whether the alternative sites put forward by objectors, including the land at Hilltop Road, Berkhamsted (*see section 7.51*) and the land at Shendish (*see section 7.59*), would be preferable locations. However, although both sites would be sustainable in terms of their accessibility I consider that their development would have a much greater impact on the Green Belt. I, therefore, recommend that no modification should be made to the Plan in the light of these objections.

**(b) *Reuse of industrial sites in Berkhamsted***

- 7.46.10. I have already dealt with a similar objection by the Chiltern Society to Proposal H52 (*see paragraphs 7.45.4 and 7.45.5*). The Plan provides for the possibility of housing coming forward on the existing employment sites at Gossoms End West and East under the provisions of Policy 33. Permission has also been granted for housing on the Glaxo-Wellcome site at Ravens Lane. It is clear, therefore, that account has been taken of the possibility of reusing industrial sites in Berkhamsted.
- 7.46.11. I am not convinced that there is significant scope for more employment land to come forward within Berkhamsted than is already accounted for in the Plan’s housing strategy. Moreover, encouraging more employment land to come forward for housing could undermine the economy of the town and lead to increased levels of out-commuting. In the circumstances, I recommend that no modification should be made to the Plan in response to this objection.

**(c) *Traffic levels on local roads***

- 7.46.12. Some objectors raise concerns about the ability of local roads to safely accommodate the additional traffic generated by the proposed development. It is clear that there are problems with the operation of the High Street/New Road junction<sup>95</sup>. In addition, there are difficulties with pedestrian access to the site. In the circumstances, I can understand some of the concerns regarding the impact of additional traffic.

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<sup>95</sup> It is identified as such in section 5.7 (c) of the Local Transport Plan (CD71A) which makes clear that the problem is unlikely to be addressed before 2005/06.

- 7.46.13. The developer proposes a number of measures to address these problems. These include improving the High St/New Rd junction; enhancing local bus facilities; providing a pedestrian crossing adjacent to the site and footway improvement between South Bank Road and the Canal bridge; and constructing an access to the site via either a priority junction or mini-roundabout. The Highway Authority is satisfied with most of these proposals. However, its preferred option for addressing the problem of the High St/New Rd junction is the provision of a new link between New Road and Springfield Road. I address this in more detail under issue (h) below.
- 7.46.14. Whether or not the link road is ultimately provided I consider that it should be possible to mitigate any additional problems that might arise at the High Street/New Road junction, due to the traffic from H53, by localised improvements. In respect of the other matters the proposed improvements to the footways and the provision of a pedestrian crossing should provide adequate safety for pedestrians, although the need to cross the road to gain access to local facilities would clearly increase potential conflict with vehicular traffic. Overall, while pedestrian access would not be ideal I consider that it should be possible to satisfactorily address the issue of highway safety.
- 7.46.15. Objectors also raise concern in respect of overall traffic levels, presumably in the context of potential congestion and environmental impact. However, there is no evidence that the construction of 50 additional houses in this location would overload the capacity of the surrounding road network. I am not satisfied therefore that traffic levels on local roads would on its own justify the deletion of this site from the Plan. However, when considered in conjunction with traffic from H52 I accept that the additional traffic could lead to a further deterioration in the environmental quality of the centre of Northchurch.

**(d) Public transport**

- 7.46.16. Mr Johnston (3778) maintains that the site is not served by public transport. However, this is not strictly true, as there are some 4 services a day along New Road during the week and 3 services on Saturdays. More importantly there are more regular services along the A4261 that would be within 400 metres of at least half the site. While the nature of the route might discourage future occupiers from using local bus services I am not satisfied that the level of public transport availability is so poor as to merit the deleting the site. I therefore recommend no modification should be made in response to this element of objection 3778.

**(e) Infrastructure**

- 7.46.17. J M Bailey (4881L) contends that local industry cannot support more population and that local schools are oversubscribed. I appreciate that the Plan only proposes a limited amount of additional employment land in Berkhamsted and this is likely to be more than offset by the loss of older employment sites. I accept therefore that there may not be scope for a significant number of additional people to be employed locally. However, there will be a continuing demand for housing from local people. I am not satisfied therefore that the additional housing would necessarily lead to a substantial increase in the current high level of out-commuting.

- 7.46.18. As for local schools, the evidence would suggest that there is some spare capacity at present in some Berkhamsted schools, certainly at primary level. Even if they were to become oversubscribed by the time development came forward on this site it would appear that local schools could be expanded to accommodate the additional pupils.
- 7.46.19. Mr Johnston (3778) argues that the local water supply is insufficient to serve so many extra houses. However, there is no substantive evidence to suggest that the existing supply would be unable to accommodate the additional homes. Neither is there any evidence that any other part of the existing infrastructure would be placed under significant strain due to this proposal. I am not satisfied, therefore, that the development would have an unacceptable impact on the existing infrastructure.

**(f) Effect on Grand Union Canal and AONB**

- 7.46.20. Berkhamsted Town Council (4769), British Waterways (2852) and others contend that the development of this site would have a damaging impact on the setting of the canal and the views from it, particularly in relation to the adjoining AONB. The Borough Council argues that the site is one of the few suitable locations for housing in Berkhamsted. It points out that it is separated from the AONB by the mainline railway and that it would not bring development any closer to Dudswell or Cow Roast. Although it acknowledges the importance of the Grand Union Canal it considers that its setting can be sufficiently safeguarded through a high quality of design and suitable landscaping.
- 7.46.21. I accept that the site is separated from the adjoining area of the AONB to the north east by the main West Coast railway line. However, it is also divorced from the adjoining built-up area to the west and south by the canal and New Road. Although the Springwood Housing estate to the west of the canal extends much further to the north it is at a considerably lower level than the Proposal site and is largely screened from the adjoining countryside by the existing vegetation along the canal. I find, therefore, that the development of H53 would result in a prominent extension of the built-up area in this sensitive location on the north western fringes of Northchurch.
- 7.46.22. While the site is largely screened from viewpoints higher up the valley slope by the existing vegetation on New Road, it is visible from some positions on the lower slope. It can also be seen from a number of areas on the southern side of the valley. More importantly, I find that owing to the rising topography it forms an extremely conspicuous foreground feature in the attractive vistas of the adjoining AONB that are available from the Grand Union Canal. Development on the site would significantly disrupt these important views, which would detract from the rural setting of this section of the canal.
- 7.46.23. I appreciate that the canal subsequently passes through the urban area to the south but I do not consider that this necessarily diminishes the importance of the vistas across this site. If anything it tends to highlight their importance. I note the Council’s view that the visual impact of the development could be mitigated through landscaping and high quality design. However, as the ground rises from the canal it would take a considerable time, in my view, for the development to be successfully screened. I am concerned therefore that the development could have an unduly dominating impact on the outlook from the canal.

7.46.24. Although it was suggested that the housing could be set back from the edge of the canal to soften the impact, I consider that scope for this is likely to be limited. Not only would access have to be maintained through the site to the adjacent sea scouts hut but development may have to be set back some distance from the railway line in order to mitigate noise problems. In my view these factors are likely to significantly constrain the layout of the development. I conclude, therefore, that housing on this site would have a damaging impact on the outlook from the Grand Union Canal and consequentially on the setting of the AONB. In the circumstances, I consider that the site should be deleted, particularly as I have found no clear need for the housing during the present Plan period. Accordingly, I recommend that H53 be deleted from the Plan.

**(g) Phasing**

7.46.25. Linden Homes (1547) argues that the site should be brought forward for development in Part I in order to meet housing needs. Many of the other objectors maintain that the need for the housing has never been established. The Borough Council contends that the site is important in that it provides an element of flexibility in meeting the Borough’s strategic housing requirement. However, it asserts that it would not be appropriate for H53 to be placed into Parts I or II as this would result in the housing requirement being exceeded.

7.46.26. I have accepted that the housing strategy relies too heavily on housing coming forward on unidentified sites (*see paragraphs 7.4.99 to 7.4.150 of the report*). However, I am satisfied that much of the shortfall could be met through increased densities and enlarging sites within the urban area rather than by substantially increasing the number of greenfield sites. Nevertheless, even when the additional housing from these sources is taken into account I acknowledge that a small amount of additional greenfield land is likely to be required in order to meet the strategic housing requirement. In my view the most logical site to bring forward to address this deficit would be H52, in the light of the significant benefits it would bring.

7.46.27. I am not persuaded that it would be preferable to bring forward H53. In the first place it would not provide sufficient housing on its own to meet the need. Secondly, it would have a far more damaging visual impact and would bring none of the benefits that would be gained through the development of H52, particularly the provision of significant additional open space.

7.46.28. In the light of my recommended revisions to the housing figures in Policy 17 I am satisfied that there should be no need to bring forward any other site in Part III, including H53, to meet housing requirements during the Plan period. In the light of this and the advice in PPG3, regarding the development of greenfield land for housing, I am not satisfied that it would be appropriate for the housing reserve sites to be retained in the Plan (*see also paragraphs 7.5.22 to 7.5.26*). Consequently, I recommend that the Plan should be modified by the deletion of H53 from the Schedule of Housing Proposal Sites and the Proposals Map.

**(h) New Road/Springfield Road link**

7.46.29. Although I have recommended that H53 be deleted I deal briefly with the objections raised by Linden Homes Ltd and others regarding the planning requirements, in case the Council should subsequently determine to retain the site in the Plan. Linden

Homes argues that as development of the site is not dependent on the completion of the New Road – Springfield Road Link the requirements for H53 should not refer to it.

- 7.46.30. It is apparent from the Local Transport Plan (CD71A) that the proposed link road is unlikely to come forward before 2006 at the earliest. Indeed in the light of the substantial problems regarding high costs, land acquisition difficulties, environmental disadvantages, National Trust covenants and lack of funding opportunities it seems likely that the scheme could be delayed well beyond this, if not indefinitely.
- 7.46.31. While the Highway Authority contends that it is the preferred solution to addressing the problem with the High Street/New Road junction, there is no indication that it considers the development of H53 to be dependent on this scheme being completed. Moreover it appears that there may well be other solutions to the problems with this junction. In the circumstances, I consider that it would be unreasonable to seek to insist on the development contributing to the construction of the link road.
- 7.46.32. I appreciate that the planning requirements do not specifically state that such a contribution would be required. However, they would appear to imply that the required off-site highway improvements should include the completion of this link. In the circumstances, I consider that, regardless of whether or not Transport Proposal Tiii is subsequently deleted as recommended in paragraph 10.32.8, the reference to the New Road-Springfield Road Link would be better omitted from the planning requirements for H53 if the site is retained in the Plan.

**(i) Open space provision**

- 7.46.33. Linden Homes (1549) objects to having to provide a minimum area of 0.3 hectares of open space if the capacity of the site should exceed 50 dwellings. I have considered the general issue of open space provision on new housing sites in Chapter 12 of my report, in relation to the objections to Policy 77. I have recommended that criterion (b), which establishes the minimum area of open space, be deleted (*see paragraph 12.5.13*). However, as the planning requirements for H53 make no reference to the amount of open space that will be required, I find no reason for any modification to be made to the Proposal in the light of this, even if the site is retained in the Plan.

**(j) Education provision**

- 7.46.34. The County Council suggests that the requirements should allow for a contribution to be made towards additional educational provision. While there may be sufficient capacity at present it contends that there can be no certainty of sufficient space being available when the site comes forward. The Borough Council accepts this and proposes to amend the requirements under PIC51 to include an additional requirement relation to the provision of education facilities. Although Linden Homes support the pre-inquiry change they point out that the manner of provision is not entirely clear. The Council acknowledges this and has therefore put forward a further minor amendment under FC36 to clarify that on site provision would not be required.
- 7.46.35. Since there can be no certainty at this stage that local schools would have the capacity to accommodate the additional pupils when the site comes forward, I consider that the insertion of a further requirement relating to the provision of additional educational facilities would be appropriate. However in this instance I consider that it would be

more appropriate for the requirement to indicate that provision may be required as the future situation is not certain at this stage. Moreover, I am not satisfied that the amendment proposed by FC36 makes sufficiently clear what form of provision would be required. Accordingly, I recommend that if the site is retained in the Plan the additional requirement should refer to a contribution towards the provision of additional educational facilities.

**(k) *Archaeological importance***

7.46.36. The County Archaeologist considers that the development of the site should be subject to a programme of archaeological evaluation as it lies in an area where evidence of Roman settlement has been recorded. The Borough Council accepts this and proposes under PIC51 to insert an additional requirement to cover this matter. Linden Homes support this amendment.

7.46.37. In view of the evidence of Roman remains in the area I accept that the site may have significant archaeological potential. I, therefore, consider a requirement for an archaeological evaluation would accord with the advice in PPG16. I endorse the inclusion of this element of PIC51 if the Council should determine to retain this site in the Plan.

**(l) *Provision of canal side facilities***

7.46.38. British Waterways considers that if the site goes ahead the provision of a sanitary station for passing boaters should be required. However, while such a facility would be useful I am not satisfied that there is an overriding need for one in this location, bearing in mind the proximity of the facilities at the Cow Roast Marina and adjacent to the Old Mill PH at London Road, Berkhamsted. I am not satisfied, therefore, that there is sufficient justification for requiring a sanitary station to be provided as part of this development. Accordingly I recommend that no modification should be made to the Proposal in answer to this element of objection 2852.

**(m) *Other matters***

7.46.39. Although none of the objections specifically raise concerns about noise from the railway line, Linden Homes gave evidence on this issue at the Inquiry. This evidence would appear to indicate that the current noise levels would not place an undue constraint on the development of the site. However, I have some reservations about the robustness of this conclusion, especially as it was not based on actual noise measurements. In particular, I am concerned that the improvements to the West Coast line and the increased frequency of train movements that may result could lead to a noticeable increase in noise levels.

7.46.40. The evidence given in respect of land to the south west and south east of the Manor Estate (TWA7) indicates that new housing on that site would have to be almost 100 metres from the track in order to comply with the guidelines in PPG24. I appreciate that the circumstances at Lock Field are not identical as the site falls away from the line whereas at the Manor Estate it rises from it. Consequently there may well be greater scope for the problem to be addressed through the provision of a suitable noise barrier. However, when the need to ensure an acceptable noise environment is considered together with the need to retain access across the site and the requirement

for significant landscaping to be established along the canal, it is possible that the net developable area could be much smaller than originally envisaged. This adds to my concerns about the suitability of this site as housing location.

**Recommendation**

- 7.46.41. **The Plan be modified by the deletion of Proposal Site H53 from the Schedule of Housing Proposal Sites.**
- 7.46.42. **If the Council decides to retain the site in the Plan, I recommend that the following modifications are made to the requirements:-**
- (a) **insert an additional requirement in relation to the assessment of the site’s archaeological potential in accordance with PIC51;**
  - (b) **add a further requirement in respect of the provision of educational facilities along the following lines:-**  
**“A contribution towards the provision of additional educational facilities may be required.”;**
  - (c) **delete the reference to the New Road-Springfield Road Link and Transport Proposal Tiii.**

**7.47. HOUSING PROPOSAL SITE H54  
 LAND AT WEST HEMEL HEMPSTEAD (PHASE III)**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1245	The Chiltern Society	2527	Mr J N Fernandes
1300*	CPRE – The Hertfordshire Society	2531	Mrs D Harris
1825	Wilcon Development Group Ltd	2535	Mr & Mrs C J Shirley
1949	Taywood Homes Ltd	2539	Mr D Gibbs
2001	Mr Peter Lai	2543	K C Redman
2006	Mrs K Warden	2547	Jan Haydon
2011	Mr & Mrs J Dempsey	2566	The Boxmoor Trust
2015	Mr J Williams	2586	Mrs Moxon
2019	Mr D Norman	2590	Mr J Grindrod
2023	Mrs J Williams	2594	Mr & Mrs P Marsh-Hilfiker
2027	K & C Woods	2598	Mr & Mrs H Beck
2032	Mr & Mrs A Cook	2602	Mr J D Mowll
2036	E & P Moran	2606	Mr & Mrs K R T Wise
2040	Mr & Mrs M Norman	2613	Mrs A Callaghan
2044	Mrs D Harding	2617	Mr & Mrs Copperwhite
2051	L Jackson	2621	D Maher
2055	Carolyn Knowles	2625	Mrs J Clark
2059	Gillian Knowles	2629	J Kane
2063	Janice Marshall	2633	Mr A Murdock
2068	Mr J A Sherratt	2637	Sarah Murdock
2072	Mrs J Durrant	2641	Mrs J Murdock
2084	Mrs D M Pellegrini	2645	Mrs D M Brown
2088	Mr T Thompson	2649	Ronald & Jennifer Taylor
2092	Mr M J Dallender	2653	Mr & Mrs C D Greenbank
2096	Mr J Russell	2657	Mr A R Cator
2100	Jill Fearon	2661	Ms Louise Hollands
2104	Mrs M Doggett	2665	Mr & Mrs A Nord
2108	Mrs P J Campbell	2669	Mr & Mrs W Randall
2114	B J Harding	2673	D J Holdsworth

2118	Mr & Mrs Hexter	2677	Mr P Blake
2182	Mr David Warden	2681	Mrs S Walpole
2186	Mrs Frances Kelly	2685	Mr & Mrs P P Bandy
2190	Mrs Anne Lamb	2699	A & B Holder
2194	Mr & Mrs T & J Sheehan	2706	P J McIntosh
2198	Mr & Mrs A P Lee	2709	Mrs Alison Lancaster
2206	Mr P Tompkins	2713	Mr & Mrs D C & K D Hoath
2210	Mrs L Townsend	2717	Mr Tony Humphrey
2214	Mr & Mrs N Crawshaw	2721	Mr S Titford
2218	Mr G Smith	2724	Hazim Albayati
2222	Mr R I Duke	2728	Mrs D White
2226	Mr E Osterman	2732	Mr John Acs
2230	Ms Alison Kitchener	2736	Mrs L Patterson
2234	Mr Paul Gibbins	2741	Mrs C Levene
2238	Mr & Dr J Boucher	2745	Mr & Mrs M Pearson
2242	Mrs Susan Bourne	2749	Mr & Mrs M Southwood
2246	W M Ridley	2753	B M Dale
2250	Javeda Jafri	2757	T Ward
2254	D S Coase	2765	I D Cutler
2258	Miss A Callinan	2769	D W Millington
2262	Mr Peter Cooper	2772	Mr F R Borrás
2267	Mrs I G Futers	2779	Mr T Mooney
2271	Mr Kenneth J Carbin	2783	Sally Prue
2275	Mr & Mrs M V & J L Smith	2787	Mr Duncan Worrell
2279	Mr B Lamb	2792	Mrs M Edwards
2283	Mr & Mrs Timberlake	2796	Mrs J Worker
2288	Mr John W D Marwick	2800	Mr C D Burgess
2292	Mr & Mrs R Austin	2804	Mr & Mrs S Watson
2296	Ms G Norma Podmore	2808	Mr N J Dyke
2304	J M Currell	2812	Friends of Shrubhill Common
2308	Mr & Mrs M Smith	2818	Mr & Mrs Pearce
2312	Mr R Towell	2823	Mr Christopher Halls
2316	Mr & Mrs Hickman	2829	G P Dickens
2320	A & G Leeds	2833	Mr & Mrs S Taylor
2324	R Williams	2838	J A Moxon
2329	Mrs D Geere	2996	Mr & Mrs D Brasier
2333	Mrs S Littlechild	3005	Mr & Mrs B J Edwards
2337	The Executors of the late Mr I Chamberlain	3877	Mr & Mrs D Wilson
2342	Mrs K Worrell	3882	Mrs W E Weatherley
2347	Mr M Wilson	3886	Mr Robert Adams
2351	Mr & Mrs T H Williamson	3890	Ms Shirley Green
2355	Ms Diana Lai	3894	Mrs D Osborne
2360	Mr G Edwards	3898	Mr & Mrs Kelly
2365	Mr J Selkirk	3902	Mr A Hirons
2372	Mr Brian Worrell	3906	Mr & Mrs Stonehouse
2377	Mr and Mrs D I & M Stewart	3910	Mr A R H Brett
2381	Mr & Mrs P J Taylor	3914	Mr E Gill
2385	Mrs A J Chamberlain	3918	C M Purkis
2389	Mrs A Shackelford	3922	Mr & Mrs John Harris
2393	Mr & Mrs J Flanders	3926	Ms Michelle Reynard
2397	A J Ward	3930	Mr M Reynard
2401	Mrs E Moores	3934	Mrs S Reynard
2403	Mr T D Toffield	3937	Mr & Mrs C Smith
2407	Mr Dean Matthews	3941	Mr & Mrs J Laxon
2411	Ms Kay Munjic	3945	Miss M Austin
2415	Mr S R Macklin	3953	Mr & Mrs M J Patel
2419	Mr G Digby	3957	Mr H G Banister
2423	S H Rickard	3961	Mr Craig Banister
2427*	Sylvia Davidson	3965	Ms Lisa Banister
2431	Mr G Anderson	3969	Mrs M Banister
2435	Mrs M A Davies	3973	Mr B Humphrey
2439	Karen Moody	3977	Mr J R Ward
2443	Mrs Shepherd	3981	Mrs N Dean
2447	Mr R Prue	3985	Mrs J Foy
2451	Mrs S McClellan	3898	Mr & Mrs E & J Codling
2455	Wendy Stanley	4067*	HCC Environment Department
2460	Mrs S F James	4106*	Lucas Aerospace
2464	Mrs J Y J James	4140	A J Patterson
2468	Mr S Sheppard	4148	Mrs Moxon
2472	P & G Silver	4152	Mr & Mrs T Dukes
2477	Mrs J Whelan	4207	Hemel Hempstead Open Spaces Society
2481	Mrs J Rowe	4218	Mr J Rowe
2485	Air Cdre & Mrs N & S James	4676*	HCC Corporate Services Department
2489	Mr & Mrs C Clifton	4746	D A Canham
2493	Mr J Holm	4750	Mr & Mrs Harvey
2497	Mr S T West	4828	The Directors of Shendish Manor

2502	Mr R Fuell	4838	Mr P Deacon
2506	Mrs E Boyle	4900L	Mr A Tombs
2510	P & G Taylor	4908L	R D Cummins
2514	Mrs J Jeffrey	4924L	Mrs A Evans
2518	Mrs E Coase	5159	Mr Tony McWalter MP
2523	P A Bray		

**Counter Objections**

To Pre-Inquiry Change 52

5301PC	Mr & Mrs R Austin	5577PC	Mr & Mrs D J Proctor
5323PC	Wilcon Development Group Ltd		

**Supports**

1481	HCC Environment Department	2300	Miss V R Day
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**Supports for pre-inquiry changes**

For Pre-Inquiry Change 52

5237PC	Mr G Edwards	5623PC	The Directors of Shendish Manor Estate
5411PC	CPRE - The Hertfordshire Society		

**Key Issues**

- (a) Should H54 be deleted from the Plan as being an unsuitable housing proposal as proposed by the pre-inquiry change or should it be retained. (1245, 1300, 1949, 2001, 2006, 2011, 2015, 2019, 2023, 2027, 2032, 2036, 2040, 2044, 2051, 2055, 2059, 2063, 2068, 2072, 2084, 2088, 2092, 2096, 2100, 2104, 2108, 2114, 2118, 2182, 2186, 2190, 2194, 2198, 2206, 2210, 2214, 2218, 2222, 2226, 2230, 2234, 2238, 2242, 2246, 2250, 2254, 2258, 2262, 2267, 2271, 2275, 2279, 2283, 2288, 2292, 2296, 2304, 2308, 2312, 2316, 2320, 2324, 2329, 2333, 2337, 2342, 2347, 2351, 2355, 2360, 2365, 2372, 2377, 2381, 2385, 2389, 2393, 2397, 2401, 2403, 2407, 2411, 2415, 2419, 2423, 2427, 2431, 2435, 2439, 2443, 2447, 2451, 2455, 2460, 2464, 2468, 2472, 2477, 2481, 2485, 2489, 2493, 2497, 2502, 2506, 2510, 2514, 2518, 2523, 2527, 2531, 2535, 2539, 2543, 2547, 2566, 2586, 2590, 2594, 2598, 2602, 2606, 2613, 2617, 2621, 2625, 2629, 2633, 2637, 2641, 2645, 2649, 2653, 2657, 2661, 2665, 2669, 2673, 2677, 2681, 2685, 2699, 2706, 2709, 2713, 2717, 2721, 2724, 2728, 2732, 2736, 2741, 2745, 2749, 2753, 2757, 2765, 2769, 2772, 2779, 2783, 2787, 2792, 2796, 2800, 2804, 2808, 2812, 2818, 2823, 2829, 2833, 2838, 2996, 3005, 3877, 3882, 3886, 3890, 3894, 3898, 3902, 3906, 3910, 3914, 3918, 3922, 3926, 3930, 3934, 3937, 3941, 3945, 3953, 3957, 3961, 3965, 3969, 3973, 3977, 3981, 3985, 3989, 4106, 4140, 4148, 4152, 4207, 4218, 4746, 4750, 4838, 4900L, 4904L, 4908L, 4924L, 5159, 5301PC, 5323PC, 5577PC)
- (b) Should the capacity of the site be increased. (1825)
- (c) Is the Council’s phasing of the development too inflexible. (1825)
- (d) Are the suggested planning requirements appropriate. (1825)
- (e) Should provision be required for additional educational facilities. (4676)
- (f) Is adequate account taken of the archaeological interest of the area. (4067)
- (g) Should the site be replaced with land at Shendish. (4828)

**Inspector’s Conclusions**

***General***

7.47.1. I have already dealt at some length with the general issues relating to the development of land at West Hemel Hempstead in section 7.33 of my report and I do not propose to reiterate them here. I, therefore aim to deal solely with the proposed deletion of this site under PIC52 and considerations regarding the phasing and planning requirements relating to Phase III.

**(a) Deletion or retention**

- 7.47.2. Most of the objectors to H54 have also objected to Phases I (H34) and II (H51) of this development. However a few have objected solely to this phase, largely due to its visual impact. The Council has accepted that this phase would have a greater impact on the Green Belt and surrounding countryside owing to its location on the side of the Bulbourne Valley. In the light of its decision to include additional housing sites within the urban area (H15A and TWA8) it considers it is no longer necessary for this site to be retained as a housing reserve and it therefore proposes that the site should be deleted under PIC52.
- 7.47.3. Wilcon Development Group Ltd (5323PC) and another party object to this change (5577PC). They consider that the development of West Hemel Hempstead Phase III would be preferable in planning, environmental and sustainability terms to the development of other proposed housing site in the Plan, particularly those at Breakspear Way and London Road, Hemel Hempstead. It is also argued that the land will be isolated from the remainder of the land at Pouchen End Farm and accordingly will be difficult to farm effectively.
- 7.47.4. I have already established in section 7.33 that H54 would be a relatively sustainable location in terms of its accessibility to local facilities and services. However, in view of its situation on the valley side I have previously concluded that it would form a prominent intrusion into the open countryside to the West of Hemel Hempstead. I am not satisfied that this would be outweighed by any merit it allegedly has in serving to round off the edge of the urban area. Neither do I consider that its omission would leave a distinct or obtrusive gap in the western fringe of Hemel Hempstead.
- 7.47.5. In the light of my conclusions in section 7.4 of my report I am satisfied that this site would not be required to meet strategic housing needs during the Plan period. Similarly I do not consider it is essential for it to be retained as part of a housing land reserve, based on my findings in section 7.5.
- 7.47.6. I note the suggestion that the site would be preferable to other proposed housing sites. However, I am not satisfied that this justifies its retention. While the proposed site at Breakspear Way (H15A) would be much further from local facilities, especially in respect of education facilities and the local centre, it would have much less impact on the Green Belt. Moreover, as it falls within the urban area the proposed housing would not result in a significant visual intrusion into the countryside surrounding Hemel Hempstead. Although it would have some impact on the outlook from the A414 I am satisfied that appropriate landscaping could mitigate this.
- 7.47.7. Since the site at London Road (TWA8) constitutes previously developed land I consider that it would be correct for it to be developed in preference to H54, in the light of the advice in PPG3 and the sequential test it outlines. I do not consider that the consequent loss of employment land would seriously undermine the economic sustainability of the Borough (*see also paragraphs 17.24.1 to 17.24.5*).
- 7.47.8. I have considered the arguments put forward in O/5323/PC/1E regarding the sustainability of the other large housing sites identified in the Plan. However, while H54 may be preferable in some respects to these sites I am not convinced that overall it would constitute a more sustainable location for housing. I note the suggestion that

the land would be isolated from the remainder of the land at Pouchen End Farm but as it would directly abut agricultural land to the south I am not persuaded that it would be particularly difficult to farm it effectively. Consequently, I endorse PIC52 and recommend that the Plan be modified accordingly.

7.47.9. Although I support the Council’s decision to delete this site I propose to deal briefly with the other objections to H54 for the sake of completeness.

**(b) Capacity of the site**

7.47.10. Wilcon Development Group plc (1825) argues that the overall site at West Hemel Hempstead has the capacity to accommodate up to 600 dwellings rather than the 550 dwellings provided for in the Plan. The Council contends that a lower density is justified, particularly in respect of H54, to allow for the provision of appropriate landscaping and to safeguard the adjoining countryside.

7.47.11. PPG3 makes clear that to make best use of land housing densities will be expected to fall within the range of 30 to 50 dwellings per hectare. The capacity proposed in the Plan for H54 would provide a gross density of 17.5 dwellings per hectare, which would be well below the range specified in PPG3. I note that in CD57C the Council calculates that the net developable area of the site would be 3.75ha. This would give a net density of 26.6 dwellings per hectare. However, even if the Council’s assumption as to the size of the net developable area were correct, which I have some doubt about, the density would still be beneath the range recommended in PPG3.

7.47.12. I appreciate that overall development at West Hemel Hempstead could potentially achieve a net density of 33.8 dwellings per hectare. However, I am not satisfied that this is sufficient ground for accepting a net density on phase III of the development that would be below the range in PPG3. In my view the lower density is unlikely to significantly mitigate the impact on the adjoining countryside nor do I believe that it would be essential in order to achieve an appropriately soft edge to the built-up area. I consider, therefore, that the net density for H54 should be above 30 dwellings per hectare. In the circumstances I would recommend that the capacity be increased to at least 125 dwellings, if the site were to be retained in the Plan.

**(c) Phasing**

7.47.13. Wilcon Development Group plc argues that a more flexible approach should be taken to phasing. It also contends that this would be better addressed as part of the proposed development brief. I have already addressed this issue at paragraphs 7.33.74 to 7.33.77 and 7.44.13. While I appreciate the benefits of increased flexibility I am not satisfied that the alternative phasing proposed by the objector would be preferable for the reasons I have already given earlier in my report. Nor do I think it necessary for Phase III to be brought forward to an earlier phase in the light of my conclusions in section 7.4. I, therefore, recommend that no modification should be made to the Plan in response to this part of objection 1825.

**(d) Planning requirements**

7.47.14. Objection is also made to some of the planning requirements stipulated in the Plan, including the provision of 50% of the units as affordable housing. I have already

found that there is a substantial need for affordable housing. There is no evidence that the proposed level of provision would render development of the site unviable. In the circumstances, I find no reason to warrant amending the level of provision that is required in the Plan. However, if this site was to be retained in the Plan, I consider that the word “around” should be inserted before the figure to make clear that it is an indicative target.

**(e) Educational provision**

7.47.15. The County Council argues that the developer should be required to make a contribution towards educational provision. Since local schools are at or close to capacity I accept that if the development were to go ahead it would be reasonable to require the developer to make a contribution towards the expansion of existing facilities. Consequently I would recommend that if H54 is retained in the Plan the planning requirements should be amended to provide for a contribution to be made towards the provision of additional educational facilities.

**(f) Archaeological interest**

7.47.16. The developer’s desk based assessment suggests that the site is likely to contain little of archaeological interest. However, the County Council maintains that based on the average density of sites within the County there is a strong possibility that important archaeological remains exist on the site. In view of the apparent conflict it seems to me that it would be reasonable for further on-site evaluation to be done. I, therefore, recommend that if the site is left in the Plan a further requirement be added to ensure that a programme of archaeological evaluation and the implementation of any necessary mitigation measures are undertaken.

**(g) Land at Shendish**

7.47.17. In my view H54 would be equally accessible as the land at Shendish and would cause a similar amount of harm to the adjoining countryside and Green Belt. I am not satisfied, therefore, that the land at Shendish would be preferable as a location for housing. I, therefore, recommend no modification should be made to the Plan in answer to this objection.

**Recommendation**

7.47.18. **The Plan be modified in accordance with PIC52.**

**7.48. HOUSING PROPOSAL SITE H55  
RECTORY FARM, HEMPSTEAD ROAD, KINGS LANGLEY**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
61	Mrs J K Clay	1246	The Chiltern Society
65	G F Parsons	1510	Mrs P Hansard
69	Mr & Mrs Colin & Pamela McLaren	1515	Mr & Mrs G D Lambert
74	Mrs M J Parsons	1520	Kings Langley & District Residents’ Assoc.
78	Mrs Sheila Ashman	1590*	Councillor Janet Anderson

86	Mr Gary Ansell	1599*	Mrs A Johnson
220	Ms Maggie Batt	1657	Mr D Walker
223	Mr A T Yates	1664	Kings Langley Branch HH Conservative
248	King’s Langley Liberal Democrats	1673	Mr & Mrs R G Prentice
252	Mr David K Peacock	1679	Mr P Witt & Ms S Wareham
254	Mr & Mrs P Domb	1698	R F & P M Whitehorn
258	Mr J L O Clay	1718	Kings Langley Parish Council
386	Mr & Mrs F J Burnell	1723	Diana Standen
388	Mr David J Dell	1728	A E Dunn
392	Mrs Margaret Colquhoun	1956*	White Associates
397	Ms Irene McGregor	2132	Mr M A Copeman
403	R & S Garnett Harper	2147	Mr C M Furness
409	Mr P G Coughtrey	3234	Mrs J C Tuck
415	A J Robinson	4107*	Lucas Aerospace
451*	Mrs P A Elderkin	4677*	HCC Corporate Services Department
454	Mr G McKendrick	4829	The Directors of Shendish Manor Estate
531*	Mrs A Taylor	4866L	Apollonia Scott
538	Mrs N A Copeman	5160	Mr Tony McWalter MP
554	L G Preston	5782	Linden Homes South-East Ltd

### **Counter Objections**

To Pre-Inquiry Change 53

5295PC	Mr David W Jones	5589PC	Mr P Witt & Ms S Wareham
5412PC	CPRE - The Hertfordshire Society		

### **Supports**

1482 HCC Environment Department

### **Supports for pre-inquiry changes**

For Pre-Inquiry Change 53

5690PC Kings Langley & District Residents’ Association

## **Key Issues**

- (a) Is greenfield land in Kings Langley genuinely needed for housing and if so is Rectory Farm a sustainable location. (86, 220, 223, 248, 388, 397, 403, 451, 531, 538, 1246, 1520, 1590, 1599, 1664, 1698, 1718, 1723, 1728, 3234, 4107, 5160, 5589PC)
- (b) What would be the most appropriate area of land for development. (1599, 1673, 1679, 5589PC)
- (c) Can the existing infrastructure support the additional housing. (65, 69, 74, 78, 86, 252, 254, 258, 386, 388, 392, 397, 409, 415, 454, 531, 540, 554, 1510, 1520, 1590, 1599, 1657, 1664, 2132, 2147, 4866L)
- (d) Can the site be safely accessed or would off-site highway improvements be needed (61, 252, 254, 397, 2132)
- (e) Would the development have a harmful impact on the character of the area. (65, 74, 252, 258, 388, 397, 531, 1515, 1520, 1590, 1657, 1673, 1718, 1956)
- (f) What would be the effect of the development on the canal corridor. Should a wildlife corridor be provided along the canal and if so should it be of the width indicated in the Plan. (1599, 1679, 5160)
- (g) Would the development be inappropriate in view of the site’s location in the flood plain. (1599)
- (h) Should the site be safeguarded as proposed in the Plan (451, 5589PC)
- (i) Is the requirement for affordable housing appropriate. (1599, 1679)
- (j) Is there a need for the Plan to seek an appropriate contribution towards additional educational provision. (4677)
- (k) Do any of the other planning requirements need clarifying (1679, 5589PC)

- (l) Would deletion of the site deny local residents the opportunity of obtaining public open space and enhanced recreational space. Could its deletion undermine the interests of Policy 84. (5589PC)
- (m) Should the site be identified as a leisure proposal instead. (1520)
- (n) Whether development of land at Lock Field, Northchurch should be given preference over this site. (5782)
- (o) Should H34 and/or H51 be deleted in preference to H55. (5295PC, 5412PC)
- (p) Would the land at Shendish be preferable to this site in terms of its sustainability and landscape impact. (4829)

## Inspector’s Conclusions

### *General*

7.48.1. Many of the objectors to this housing proposal are concerned about the impact of the development on the Green Belt. However, I have already addressed this issue at Chapter 4 of my report (*see section 4.38*). Consequently, I propose to deal at this point solely with the issues relating to its identification in the Deposit Draft of the Plan as a suitable location for housing.

### *(a) Housing need and sustainability of Rectory Farm site*

7.48.2. A large number of the objectors question whether this site is genuinely required to meet housing needs. Many argue that there is sufficient previously developed land available within the urban area of Hemel Hempstead to accommodate any additional housing that may be needed. Consequently, they believe that there is insufficient justification for the land at Rectory Farm to be allocated for housing.

7.48.3. The Council now accepts that in the light of their decision to allocate additional land within Hemel Hempstead for housing, particularly the sites at Breakspear Way (H15A0 and London Road (TWA8), there is no longer any need for the land at Rectory Farm to be allocated for housing. They, therefore, propose under PIC53 to delete the site from the Plan. The landowners (5589PC) object to the deletion of the site arguing that the site is a sustainable location and that it will be needed to meet the Structure Plan housing requirement.

7.48.4. Dealing first with the issue of housing need I am satisfied that sufficient housing land has been identified on the periphery of Hemel Hempstead to provide the strategic housing allocation of 1,000 dwellings required under Policy 8 of the SPR. I find no need therefore for the land to be released to meet the strategic housing provision. However, the Council has defined Kings Langley as being an appropriate settlement for limited additional development under the provisions of Policy 6 and 7 of the SPR. In my view this is appropriate in the light of the settlement’s location in a main transport corridor. Consequently, I have considered whether the land at Rectory Farm would be required to meet the Structure Plan housing requirement for the period up to 2011 in accordance with the provisions of Policies 6 and 7 of the SPR.

7.48.5. Although many objectors contend that there is sufficient brownfield land available within Hemel Hempstead to accommodate the required housing, I note that the Plan already allocates most of the larger areas of vacant or redundant brownfield land that

exists within the town for housing. It also identifies a number of sites that are still in employment use as being suitable for housing under Policy 33. In consequence, I am satisfied that the Council has identified most of the opportunities that are currently available for urban regeneration.

- 7.48.6. I appreciate that at the time of the Inquiry a full urban capacity study had not been carried out in accordance with the advice in PPG3. However, in the light of what I saw of the area I am not convinced that such a study will bring to light significant additional areas of brownfield land that would be available for housing before the end of the Plan period.
- 7.48.7. While I agree with the landowners that the Plan’s housing strategy currently places too much reliance on housing coming forward on unidentified sites, I am not persuaded that this is sufficient reason, on its own, to warrant more greenfield land being released for development. In my opinion, it should be possible to address much of the likely shortfall by increasing housing densities on some sites; expanding others (e.g. H27); and including additional brownfield sites within the existing urban area (e.g. TWA8). I consider that such an approach would accord more closely with the aims of national housing policy. Consequently, I am not satisfied that the allocation of land at Rectory Farm would be essential to meet housing requirements during the Plan period (*see also section 7.4 of my report*).
- 7.48.8. I deal with the issue of whether it is appropriate for the land to be safeguarded for housing for the period after 2011 under issue (h) below. However, I am not satisfied that it would be appropriate to allocate greenfield housing sites for implementation after the end of the Plan period in the light of the sequential test in PPG3. It is not certain at this stage whether or not sufficient brownfield land would be available from 2011 onwards. Consequently, I find that there are insufficient grounds for retaining the site in the Plan. I, therefore, support the Council’s intention to delete Proposal H55. Accordingly, I recommend that the Plan be modified in accordance with PIC53.
- 7.48.9. In reaching this conclusion, I have taken account of the fact that Rectory Farm would be well located in terms of its accessibility to local bus routes, schools and shops in the village centre. However, in the light of its impact on the Green Belt, on the character of the area and on the capacity of the local infrastructure I am not satisfied that it would constitute a more sustainable location for housing than any of the other greenfield housing proposal sites. This includes the site at Durrants Lane/Shootersway, Berkhamsted (H52), since it would not only provide a more comprehensive package of benefits but, in my view, it would also have less impact on both the Green Belt and the character of the area.

**(b) *Appropriate area for development***

- 7.48.10. The landowners argue that a much larger area of some 7.4 hectares should be allocated for housing. Other objectors suggest that if a housing site is warranted in this location it should either be restricted to the area currently occupied by the existing farm buildings or should not be extended any further north than the existing buildings.
- 7.48.11. In the light of my conclusions that H55 would not be required to meet the Structure Plan housing requirement I see no justification for the site to be extended northwards. Moreover, I consider that extending the site northwards along the valley floor would

further erode the important open wedge of land between Nash Mills and Kings Langley, which would lead to an increased sense of coalescence.

- 7.48.12. While redrawing the northern boundary of the site along the northern edge of the buildings would reduce the sense of coalescence it would still lead to loss of open land both adjacent to the A4251 and the canal. Moreover as there is currently no physical feature along much of this boundary development on much of the site would still intrude visually onto the open area to the north. I consider, therefore, that even this smaller site would detract both from the Green Belt and the character of the area.
- 7.48.13. I accept that redevelopment of the land currently occupied by the farm buildings would not result in a loss of open land. Moreover, it would clearly involve the development of previously developed land. However, while this might appear to accord with the aims of PPG3, I note that the sequential test in paragraph 30 makes clear that preference should be given to the reuse of previously developed land within urban areas. As the site lies outside the existing built-up area I am not satisfied that it falls within this category.
- 7.48.14. Since the existing buildings are not particularly attractive it is possible that replacement housing on this smaller area could enhance the character of the area. Equally, however, as there is no existing screening on the eastern side of the buildings redevelopment of the site could potentially harm the setting of the canal. Consequently, in the absence of a clear need for further housing on the periphery of Kings Langley I am not satisfied that it would be appropriate to identify this smaller area as a housing proposal site. This would not prevent the Council from subsequently considering the redevelopment of the site for housing if it were to conclude that the benefits of the scheme outweighed any disadvantages. I, therefore recommend that no change be made to the Plan in answer to these objections

**(c) Existing infrastructure**

- 7.48.15. Many of the objectors argue that the village infrastructure could not sustain the additional population. Concern is expressed particularly in relation to the impact on local schools, local transport, health services, policing and shopping provision. It is also argued that the development would put a strain on the local road network and lead to increased traffic and pollution. I address the traffic implications under issue (d) below. I therefore deal at this point solely with the impact on local services and facilities.
- 7.48.16. Turning first to local schools I note that the Education Authority considers that there is very little spare capacity at the local primary school and that some year groups are already full. It therefore maintains that additional accommodation would be required to accommodate any pupils arising from the development of 80 dwellings at Rectory Farm. However, it contends that this would cause organisational difficulties for the school and would probably necessitate mixed age classes. It also suggests that the development would require the replacement of temporary accommodation at the secondary school with permanent accommodation.
- 7.48.17. It seems to me that it would be possible to address the consequences of the development in terms of its impact on secondary level educational facilities within the village. I am far more concerned about the implications for primary provision. While

it may be physically possible for it to be expanded I note that this could cause organisational difficulties. I am concerned that these could have a detrimental impact on educational standards, particularly if teaching has to be done in mixed age classes.

- 7.48.18. Local residents also point out that there are currently problems with traffic congestion outside the school at the start and end of the day. Although H55 would be within 800 metres of the primary school, there is substantial difference in level between the 2 sites<sup>96</sup>. In view of this and the nature of the local road network, particularly Common Lane, I consider that many parents living on the Proposal site could decide that it would be preferable to drive their children to school. This could exacerbate existing problems of congestion. While I am not satisfied, that these problems would have been sufficient reason, on their own, to warrant the deletion of the site if it had been acceptable in all other respects, it strengthens my view that its retention as a housing site would be inappropriate.
- 7.48.19. Turning to local transport, the site is more than 1000 metres from Kings Langley Railway station. However, the 500 bus service between Watford and Aylesbury runs along the Hempstead Road at half hourly intervals during the day Monday to Saturday and at roughly hourly intervals in the evenings and weekends. This service connects to the station. I consider therefore that public transport is of a reasonable standard. There is no indication that the additional passengers from the development would overload existing services.
- 7.48.20. Evidence regarding local health services is limited. While many residents complain that the existing doctor’s surgery and dental practice are already at capacity there is little substantive information to confirm this. I note that there is no objection from the health authority and there is no indication that either of the relevant practices has raised concerns about the impact of the additional development. Nor is it clear that the existing facilities would be incapable of expansion. I am not satisfied therefore that there is sufficient evidence to conclude that the proposed development would have over-stretched existing health facilities.
- 7.48.21. As for the range and capacity of local shops, I note the concerns about the closure of shops in the village and the ability of some services like the banks to cope with the additional custom. However, it appeared to me that Kings Langley centre remained reasonably healthy and it retains a sufficient range of shops to meet most day to day needs. I do not think, therefore, that the development of an additional 80 dwellings at Rectory Farm would have put an intolerable burden on the existing services provided by the centre. Indeed, an increase in population could potentially help to support the centre and the range of services it provides.
- 7.48.22. There is no evidence that any of the existing utilities are under strain or could not be expanded to cope with the additional population. In conclusion, therefore, I accept that the development could put significant pressure on the local schools, particularly at primary level. While the impact would probably be insufficient to warrant deleting the site on this ground alone it adds to my other concerns. However, I am not persuaded

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<sup>96</sup> Most of the land at Rectory Farm lies between the 70 and 80 metre contours whereas the school is located between the 115 and 120 metre contours. “Sustainable settlements” (CD86) suggests that 10 metres should be added to the distance for every one metre difference in height. On this basis the distance between the site and the school would be in the region of 1000 metres.

that the development of the site would have an unacceptable impact on the existing infrastructure in any other respect.

**(d) Access and highway improvements**

- 7.48.23. Hempstead Road forms part of the A4251, which connects with the M25 and A41(T) a short distance south of the village. Consequently, I accept that traffic levels through the village, especially at peak hours are quite high. However, there is no indication that the physical capacity of the A4251 has become saturated. Although the Highway Authority have raised concerns about the existing capacity problems at the junctions with The Nap and Nash Mills Lane in relation to the proposed enlarged allocation of 160 dwellings, I note that they do not consider that in principle there is any problem on capacity grounds.
- 7.48.24. While the Highway Authority have also expressed reservations about the proposed design of the new accesses, particularly the use of ghost islands, it appears that the expected difficulties could be overcome through the provision of a roundabout and other measures to limit speed through the village. It is also suggested that safety could be improved by closing off the existing sub-standard junction with Rectory Lane and routing traffic through the development site. I am satisfied therefore that it should be possible to provide safe access to the site.

**(e) Impact on character of the area**

- 7.48.25. There is no doubt that development on this site would lead to a significant extension of built-development along the open valley floor. Since the site is situated in a prominent location adjacent to the A4251 and there is limited existing screening along the proposed boundaries, I consider that the development would have a significant visual impact, particularly when entering the village from the north. The development would also have an effect on the outlook from many of the houses along the adjoining hillside to the west. Overall, therefore, I consider that it would detract from the character of the village and the open gap between Kings Langley and Nash Mills. This reinforces my view that the Council’s intention to delete this site from the Plan is the correct approach.

**(f) Effect on canal and creation of wildlife corridor**

- 7.48.26. Some objectors argue that building close to the canal would have a damaging effect on its setting and on its value to wildlife. However, others contend that the creation of a corridor along the canal and the development would be more in keeping with the existing housing to the south if it backed onto the canal.
- 7.48.27. I appreciate that the properties in Kings Meadow but directly onto the canal. However, I do not consider that this means that the retention of a landscape buffer along the canal to the north would be inappropriate or out of keeping. This section of the canal is lined by dense vegetation that gives it a tranquil and pleasant character. In my view the development of housing directly adjacent to the canal would have eroded its setting, particularly for users of the canal and its towpath. I accept that there would be no possibility of creating a through route along this bank of the canal. Nevertheless, I consider that the retention and enhancement of the land alongside the

canal in conjunction with the provision of additional open space for the village would have accorded with Policies 84 and 113 of the Plan.

- 7.48.28. As for wildlife interest it is clear that linear features such as canals and rivers can form an important corridor for animals and birds to travel between areas of adjoining countryside and woodland, as well as being an important habitat in themselves. There is no specific guidance as to the width such a feature has to be to constitute an effective corridor, although I note the Environment Agency recommends a buffer zone of 8 metres. However, I consider that the wider strip proposed in the Plan would be reasonable when one also takes into account the visual impact of the development on the setting of the canal. I am satisfied therefore that the Plan’s proposals insofar as they related to the provision of open land adjoining the canal were entirely reasonable.

**(g) Flooding**

- 7.48.29. I am far more concerned about the issue of flooding. It is clear from the report on flooding that was commissioned by the Council in 1998 that this area falls within an area at risk from flooding and that there have been localised flooding problems along this stretch of the valley in the past. I note the Environment Agency was consulted about the Proposal during the Plan’s preparation and have not objected to the allocation on flooding grounds. However, it is clear from their letter to the landowners agents that they have no historical evidence of flooding at the site and would require a full hydrological survey to identify the extent of the 1 in 100 year flood envelope before the impact of any proposals can be assessed.
- 7.48.30. In these circumstances, while I acknowledge that it may be possible to address the issue through the incorporation of suitable drainage works, I consider that it would be inappropriate for the Proposal to be retained in the Plan without a full flood risk assessment having been undertaken and the site considered against the sequential test in PPG25. This strengthens my view that it would be appropriate for H55 to be deleted from the Plan.

**(h) Safeguarded land**

- 7.48.31. The landowners have argued that even if the site is not allocated for development during the Plan period it should be designated as an Area of Restraint. While paragraphs 2.12-2.13 and Annex B of PPG2 allow for land to be safeguarded to meet development needs in the longer term, this advice pre-dates the publication of the latest version of PPG3. The latter makes clear that it is not appropriate for greenfield land to be identified for housing when previously developed land may be available. I consider, therefore, that at this stage it would be premature to identify this land as safeguarded land when it is far from clear whether it would be needed to meet future development needs.
- 7.48.32. Moreover, it is clear from Structure Plan Policy 5 that the provision of safeguarded land is only expected to occur in relation to boundary reviews under Policies 6, 7 & 8. Clearly the land is not needed in connection with the strategic housing provision under Policy 8. Neither in my view are there sufficiently exceptional circumstances to warrant its release under the terms of Policies 6 & 7. I am not satisfied, therefore, that

there are sufficient grounds for releasing the land from the Green Belt and identifying it instead as an Area of Restraint under Policy 111.

*Note: Although I have recommended that the site be deleted as proposed under PIC53 for the sake of completeness I have gone on briefly to consider the objections relating to the detailed planning requirements that were originally attached to the Proposal.*

**(i) Affordable housing**

7.48.33. The landowners and one other objector argue that the level of affordable housing provision sought through the planning requirements is too high and out of line with other greenfield sites. I have already established in section 7.8 of my report that there is a significant need in the Borough for affordable housing. While the 1998 HNS (CD82) did not specifically identify the level of need existing in Kings Langley it is clear that there is an substantial housing need within the rural area. In the light of house prices in Kings Langley I would doubt that it would fall much below the average for the rural area, indeed it may well be higher.

7.48.34. Within this overall context I do not consider that an indicative target of 50% affordable housing would be unreasonable in principle. There is no evidence that this level of provision would render the development unviable. The mere fact that there are some existing buildings on the site does not, in my view, warrant a lower level being set since it does not appear that their removal would be particularly costly owing to their relatively simple construction. In the circumstances, I see no need for the figure to be reduced. However, should the site ultimately be retained in the Plan I would recommend that the word “around” be inserted before the figure to make clear that it is an indicative target.

**(j) Educational provision**

7.48.35. The County Council contends that the developer should be required to contribute to additional educational facilities if development goes ahead in view of the current problems of capacity in local schools. In view of my earlier findings I accept that the development would be likely to place pressure on existing educational facilities which would probably have to be expanded to cope. I accept therefore that if the site were to be retained in the Plan it would be appropriate to insert an additional requirement to make clear that a contribution towards the provision of additional educational facilities would be required.

**(k) Planning requirements**

7.48.36. The landowners also object to a number of other aspects of the planning requirements, including the depth of the canal side corridor, the location of the landscape buffer, the location of any open space requirement for the new housing and the overall area of open space. I have already addressed the issue of the canalside corridor in paragraphs 7.48.26 to 7.48.28 above. As a separate objection has been made in respect of L11 I deal with the latter element in section 12.29 of my report. I have therefore considered only the question of the location of the landscape buffer and the open space requirement for the housing at this point.

7.48.37. It is clear from the Council’s evidence that they had expected the landscape buffer to be provided as part of the development of H55. However, it appears that they would

be prepared to consider the extent to which the buffer could be planted within the adjoining open space (L11) as part of the development brief. The requirements merely state that a substantial buffer should be provided at the northern edge of the housing. I am satisfied, therefore, that there is sufficient flexibility to allow for its final location to be resolved at the detailed stage were the site to be retained in the Plan.

7.48.38. As for the open space provision relating to the housing the Council accepts that most of this could be provided in L11. However, it points out that children’s play facilities would need to be provided within the housing area. In my view this approach is reasonable since provision for younger children should be located in close proximity to the housing and well overlooked. I see no need for the requirements to be modified in this respect either.

**(l) Provision of open space**

7.48.39. It is clear that Kings Langley currently has a deficiency of some 2.16 hectares of open space based on the Council’s standards. The Plan Proposals would, however, provide some 6 hectares, which would be well in excess of what would be required to meet actual needs. Clearly without the housing allocation there seems little chance that any land will be made available to meet the open space shortfall. There would also be limited opportunity to enhance the canal corridor in accordance with the objectives of Policy 84. However, I am not persuaded that this constitutes sufficient reason for releasing the land in the absence of an overriding need for the housing and in the light of the visual impact of the development.

**(m) Leisure proposal**

7.48.40. The Kings Langley and District Residents Association (1520) argues that H55 should be identified as a Leisure Proposal Site instead. While I accept that the existing shortfall in open space would merit some additional provision being made in the village, there is no evidence that funding would be available to purchase and lay out the land, even if the landowners agreed to sell which seems unlikely. I note that the Council has previously experienced significant difficulties in achieving long-term open space commitments, especially in Berkhamsted and Tring. In the circumstances, I consider that it would not be appropriate for the land to be allocated as open space unless it was clear evidence that there was a realistic prospect of the Proposal being achieved. I, am not satisfied that this is the case. Consequently, I recommend that no modification should be made to the Plan in response to this element of objection 1520.

**(n) Land at Lock Field**

7.48.41. For the reasons I have given in section 7.46 of my report I am not satisfied that the land at Lock Field would be a preferable location for housing. Nor do I consider that housing sites in Berkhamsted should automatically take precedence over sites in Kings Langley. I, therefore, recommend that no modification should be made to the Plan in answer to this objection.

**(o) West Hemel Hempstead Phases I and II**

7.48.42. I have considered the suggestion by 2 objectors that the land at Rectory Farm should be retained in the Plan in preference to the sites at West Hemel Hempstead. However,

the site at Rectory Farm is far smaller than any of the West Hemel Hempstead sites. Consequently, it could not be substituted directly for either H34 or H51. Moreover, although Policy 5 of the SPR allows for the possibility of limited exclusions from the Green Belt at Kings Langley, Policy 8 makes clear that the strategic housing requirement is to be met predominantly on sites on the periphery of Hemel Hempstead. I am not satisfied, therefore, that it would be appropriate for the Local Plan to allocate a large greenfield site at Kings Langley in preference to sites on the periphery of Hemel Hempstead.

**(p) Land at Shendish**

7.48.43. Since H55 is recommended for deletion there is no need for other land to be found in substitution. However, even if there were I am not satisfied that the land at Shendish would make a suitable alternative location in view of the important contribution it makes to the purposes of the Green Belt and to the setting of Shendish Manor. I, therefore, recommend that no modification should be made to the Plan on the basis of objection 4829,

**Recommendation**

7.48.44. **The Plan be modified in accordance with PIC53.**

**7.49. HOUSING PROPOSAL SITE H56  
LAND REAR OF PICKFORD ROAD, CLEVELAND ROAD, GEORGE STREET,  
SURSHAM COURT AND FARRER TOP, MARKYATE**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
665	N J Holmes	783	Ms C Barrett
689	Hilary Spray	1072	Markyate Society
690	T N McGee	1247	The Chiltern Society
696	Mr R L Tuck	1302	CPRE - The Hertfordshire Society
707	Miss M Williamson	1642	W R Pollock
715	Mr & Mrs G S Mead	1646	Mrs Elizabeth Hawley
718	G H & I J Southwood	2987	Mr & Mrs W Thomas
722	Mrs P M Copleston	3212	Markyate Parish Council
723	Mr Ian V W Bradley	4123	Mr Tony Evers
724	Mr Oliver Bloor	4730	Mr S W Biart
725	Mr S Betts	4740	Gleeson Homes
726	Ms Rosemarie Jones	4912L	J M Plant
727	Mr & Mrs M D Hickson	4915L	Jean Plant
728	Mrs Judith Brierley	4920L	Mr & Mrs K Rangel
729	Mrs Evelyn King	5783	Linden Homes South-East Ltd

**Key Issues**

- (a) Is the land suitable for housing. (665, 689, 690, 696, 707, 715, 718, 722, 723, 724, 725, 726, 727, 728, 729, 783, 1072, 1247, 1302, 1642, 1646, 2987, 3212, 4123, 4730, 4740, 4912L, 4915L, 4920L)
- (b) Is the proposed site capacity appropriate in the light of the advice in PPG3. (1302)
- (c) Should the Plan allow for land at Lock Field, Northchurch to come forward for development before Housing Proposal Site H56 at Markyate. (5783)



## Inspector’s Conclusions

### (a) *Suitability of the site*

7.49.1. The objectors raise a number of matters in respect of this site, including the need for the additional housing, the impact on the character of area, the loss of trees and hedgerows, inadequate access, increased traffic and parking, pollution, the adequacy of the existing infrastructure, the loss of recreational space, the effect on the amenity of adjoining occupiers, the availability of the land, possible flooding, the impact of planes flying into Luton Airport, the loss of agricultural land and the availability of alternative sites. I deal with each of these in turn below.

#### *The need for additional housing*

7.49.2. The Markyate Village Appraisal 1995/1996 identified 176 households within the parish as looking for alternative accommodation. 84 of these were seeking housing in the village or parish. The survey therefore concluded that some new house building was acceptable. However, it considered that this should be limited to infilling in the village or development to the east of the A5.

7.49.3. The Borough Council accepts that the Appraisal demonstrates that there is a significant local need for additional housing. In its view this need could not be met by infilling alone. Consequently, it has concluded that limited development on the periphery of Markyate is justified. The Plan therefore proposes the allocation of 2 greenfield sites on Buckwood Road (H44 & H45), that together would have a potential net capacity of 40 dwellings, in order to meet local housing needs during the Plan period. In addition it seeks to designate the objection site as housing reserve land for development after the end of the Plan period. However, under the provisions of Policy 18 the land could be brought forward for development before 2011 in certain limited circumstances.

7.49.4. As I have already indicated in paragraph 7.38.7 I have some reservations about the rigour of the Village Appraisal. However, I accept that it probably provided a passable indication of the level of housing need at that time given the relatively high level of response. I also have some concerns about the approach that the Borough Council has adopted in determining the amount of new housing that should be provided at Markyate during the Plan period. However, I am not satisfied that the level of housing provided for in the Plan is unrealistic or excessive, based on the available evidence.

7.49.5. In my view, the village is not a particularly sustainable location for new housing, due to the poor level of public transport, the lack of a secondary school and the limited facilities and services available in the village. However, PPG3 makes clear that it can be appropriate to provide some housing to meet local needs even in settlements that are not sustainable locations for strategic housing development. On balance, therefore, I consider that the provision of some additional housing at Markyate is likely to be warranted. Although some could be provided on infill sites, there appears a limited supply of readily available land within the village. In the circumstances, I judge that some limited peripheral development may be required to meet local needs.

7.49.6. However, I am not satisfied that there is sufficient evidence to conclude that the site at H56 would be required to meet the needs arising during the current Plan period. In particular, in the absence of a local up to date housing needs survey I am not

convinced that there the level of need for affordable housing is such as to merit development of this site before 2011. In the light of my conclusions in paragraphs 7.5.22 to &.5.26 regarding the inclusion in the Plan of a reserve of greenfield sites for implementation after the end of the Plan period I consider that it would be inappropriate for the site to be retained in the Plan. Consequently, I recommend that H56 should be deleted.

#### *Character of area*

- 7.49.7. The land is generally well screened from the open land to the south west and south east by the existing vegetation on the boundaries. I accept, therefore, that any development on the site would have a limited visual impact on the wider countryside. It is not possible to see the site directly from the nearby roads. It would be visible from some viewpoints along Footpath 22, which runs along the site’s south western edge. However, the impact would, in my opinion, be very localised. I am satisfied therefore that development of the land would not detract significantly from the overall character of the village.

#### *Loss of trees and hedgerows*

- 7.49.8. I am far more concerned about the effect on the existing vegetation. The site is bordered on more than one side by large trees and hedgerows, which overhang a significant part of the site. In my view the introduction of houses could result in pressure for these trees to be lopped or felled either to accommodate the buildings or to provide sufficient light to the properties. While it may be possible to avoid this through careful design, in the absence of greater detail I am not satisfied that an unacceptable loss of trees and other vegetation could definitely be avoided.

#### *Access*

- 7.49.9. I also have serious doubts about the question of access. It is clear that the existing track to the field, which runs up alongside a house on Pickford Road, is too narrow to accommodate traffic from 10 houses. There appears little scope for it to be widened to an acceptable standard without the demolition of existing property. Although the County Council has suggested that alternative access via High View and Farrer Top would be acceptable there is no clear indication as to how this would be achieved. Bearing in mind the views of the landowner I have serious doubts that there is a realistic prospect that safe access could be provided during the Plan period. This strengthens my view that it would be better for the site to be deleted from the Plan.

#### *Traffic and parking*

- 7.49.10. In view of the narrow nature of many of the roads in the village and the sub-standard visibility of some of the junctions, including that at Pickford Road/High Street, I can understand the concerns raised about additional traffic. However, I am not persuaded that the traffic situation has deteriorated to such an extent that the additional trips generated by 10 dwellings on the site would be likely to result in serious congestion occurring. Nor in my view is it likely to increase the danger to other users of the local road network.

7.49.11. I acknowledge that the amount of parking available in the centre of Markyate appears to be limited. However, in view of the site’s proximity to the centre and its limited size I doubt that it would generate a significant increase in parking, especially if an appropriate level of parking is provided on site. In the circumstances I conclude that the additional traffic would not have a deleterious impact on the wider road network. Nor am I persuaded that the development would seriously exacerbate the problems of parking congestion in the village centre.

***Pollution***

7.49.12. Although concern is expressed about the possibility of increased pollution I doubt that the construction of traditional housing would result in a perceptible increase bearing in mind the small-scale nature of the scheme. There may be some pollution, during the course of construction, particularly noise pollution, but the impact would, in my view, be likely to be short lived. Consequently, I am not satisfied that the Proposal would result in an unacceptable increase in pollution.

***Infrastructure***

7.49.13. The village has a relatively limited infrastructure there being no secondary school and a generally poor standard of public transport. However, while the range of shops in the village centre is restricted I am satisfied that they are capable of meeting most day to day needs. Moreover the site is well related to the centre. It would appear that the local school is likely to be expanded in the near future. It seems therefore that it would have the capacity to accommodate the additional pupils. In the circumstances, I am not satisfied that the development of 10 additional dwellings would place an unacceptable strain on the existing infrastructure. Indeed it is possible that the increase in population could help to support existing services.

***Loss of recreational space***

7.49.14. Although the requirements state that there will be no net loss of public open space it is not clear how this would be achieved. The Council suggests that it could be addressed in one of 3 ways. Two of these would require the release of agricultural land on the periphery of the village. It is far from clear that existing landowners would be agreeable to either of these options. Moreover, these sites are likely to be further from existing residential areas.

7.49.15. The third alternative is to use land at the southern end of the site. However, this appears to overlook the fact that the village already suffers from a shortfall of some 2.0 hectares of open space (*see CD58*). There is no indication as to how this would be addressed. It is apparent that the Borough Council has faced serious difficulties in achieving longstanding open space commitments in other settlements in the Borough. I am concerned, therefore, that the loss of any of this land could seriously limit the options for addressing the current shortfall.

7.49.16. Moreover while the southern end of the village is reasonably well provided for in terms of informal open space, the only formal space is at the northern end of the village and is well beyond reasonable walking distance for those living in the southern part of the village. In the circumstances, I find that the loss of open space and/or potential open space on this site could have damaging implications in respect of

meeting the leisure needs of the population of the village. This strengthens my view that it would not be appropriate for this site to be identified for housing at this stage.

- 7.49.17. In reaching this conclusion I have noted the suggestion that the Proposal would be in conflict with Policy 75 of the Plan. However, it is clear that this policy is not relevant to large villages like Markyate. Policy 74 in contrast does relate to open space provision in Markyate. This seeks to ensure that a minimum standard of 2.8 hectares of open space per 1,000 population is sought in towns and large villages and that it is distributed so as to be within reasonable walking distance of residential areas. For the reasons I have already given above I consider that the Proposal would conflict with the objectives of Policy 74.

***Residential amenity***

- 7.49.18. Since many of the houses on George Street and Cleveland Road are set at a lower level development on the site would be likely to have a minimal effect on the outlook from these properties. I accept that it could have a more significant impact on the outlook from properties in Sursham Court and Farrer Top bearing in mind their much closer proximity to the site. However, I consider that subject to careful attention to siting and design the housing should not appear unduly overbearing or intrusive. Similarly I consider that there is sufficient scope for the site layout to be designed to avoid a significant loss of privacy to adjoining occupiers. I am not satisfied, therefore, that the development of 10 houses on H56 would have an unacceptable impact on the amenity of adjoining residents.

***Availability***

- 7.49.19. Markyate Parish Council who owns the land has objected to its allocation for housing. It appears that they purchased the land in 1978 for the specific purpose of providing open space close to the centre of the village. In these circumstances, it seems highly unlikely that the landowner would agree to relinquish any part of the land for housing development. In my view it is extremely doubtful that the use of compulsory purchase powers would be supported in this situation. This strengthens my view that there is little realistic prospect of this site coming forward for housing in the foreseeable future. Consequently, I find that its allocation for housing in the Plan is inappropriate and I recommend that it be deleted.

***Flooding***

- 7.49.20. Although concern is expressed about flooding by the Parish Council and others there is little evidence that the site is itself subject to significant flooding. I appreciate that as the first area of flat land along Pickford Road development on the site could have implications for surface water run off but I have no reason to believe that any potential problems could not be adequately addressed through appropriate on-site drainage works. Moreover, in the light of the intended provision of a flood bund in Markyatecell Park I consider it unlikely that development on this site would exacerbate flooding problems elsewhere in the village.

***Impact of Luton Airport***

- 7.49.21. Based on the 1998 LEQ contours for Luton Airport the site would fall below the threshold where noise would be a determining factor during the day. However, at night noise levels on the site would exceed  $48L_{Aeq,T}dB$ . This would place it in category B of the noise exposure categories defined in Annex 1 to PPG24. This indicates that noise levels need to be taken into account and if appropriate conditions imposed to ensure an adequate level of protection against noise.
- 7.49.22. In the circumstances, while I accept that the impact of Luton Airport would not be so significant as to rule out development on the site, it is clear that night-time noise levels could have some impact on the quality of the residential environment. Clearly it would be a less favourable location in this regard than sites at the northern end of the village which would fall outside the  $48L_{Aeq,T}dB$  contour.

***Loss of agricultural land***

- 7.49.23. The development of the site would not lead directly to any loss of agricultural land. However, I accept that if the open space has to be replaced with other land on the periphery of the village it could lead to some loss of agricultural land. However, much of the land around the village would appear to be lower grade land. I am not satisfied, therefore, that development of the site would necessarily lead to a harmful loss of agricultural land.

***Alternative sites***

- 7.49.24. A number of objectors have put forward alternative sites on the edge of Markyate. I deal with these sites in more detail in section 7.61 of my report. Although I consider that the site at Manor Farm would be a suitable location for housing both it and the other suggested site at Dammersley Close would be substantially bigger than H56. I do not consider therefore that either site would have been a suitable replacement. In any case I am not satisfied that there is a sufficient need to allocate a reserve housing site at Markyate in order to meet housing needs during the Plan period. In the light of the advice in PPG3 I do not consider that it is appropriate to allocate greenfield land for housing development after the end of the Plan period. Consequently, I see no need for any modification to be made to the Plan in the light of objections 783 and 4840.

***Conclusions***

- 7.49.25. I am not satisfied that there is sufficient evidence that H56 would be needed to meet housing needs during the Plan period. In the light of my conclusions in respect of Policy 18 I consider that its retention as part of a housing land reserve would be inappropriate. I accept that development on the site would have limited impact on the wider character of the area, the capacity of the local infrastructure, residential amenity, traffic and parking, pollution, flooding and loss of agricultural land. However, I am concerned about the effect on existing vegetation and the ability to provide safe access. I also find it would be affected by noise from Luton Airport. More importantly, I consider that the development could have a damaging effect on the ability to meet existing and future recreational needs of the population of Markyate. As such I believe it would be contrary to the objectives of Policy 74. I also doubt that there is a realistic prospect of the site coming forward in the foreseeable future in the light of the

resistance of the landowner. Overall, therefore, I conclude that the site should be omitted from the Plan. I am not satisfied that there is any justification for replacing it with an alternative site. Accordingly I recommend that the Plan should be modified by deleting Housing Proposal H56.

**(b) Site capacity**

7.49.26. The CPRE (1302) argues that the capacity of the site should be increased to make better use of the land. The Council points out that it is only intended that a small part of the site should be used. It is the intention that any development should be at a minimum density of 30 dwellings per hectare.

7.49.27. While I accept what the Council says, it is not entirely clear from the requirements that only part of the site is to be developed. In my view, if the site is retained in the Plan, the requirements would need to be modified to clarify that only part of the site is to be built on and that any new housing should be developed at a minimum density of 30 dwellings per hectare.

**(c) Land at Lock Field, Northchurch**

7.49.28. This objection is similar to other objections to sites in Kings Langley and Markyate that I have already addressed. I am not satisfied that the development of the land at Lock Field should be given preference to the development of sites in Markyate for the reasons I have already given in paragraph 7.38.55. I therefore recommend that no modification should be made to the Plan in response to objection 5783.

**Recommendation**

7.49.29. **The Plan be modified by deleting Housing Proposal Site H56.**

**7.50. SCHEDULE OF HOUSING PROPOSAL SITES: TWO WATERS AND APSLEY**

**Counter Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
To Pre-Inquiry Change 54			
5222PC	Mr & Mrs D G Rose	5594PC	Mr P Witt & Ms S Wareham
To Pre-Inquiry Change 55			
5624PC	The Directors of Shendish Manor Estate	5742PC	Felden Park Farms Ltd
5685PC	Apsley Developments Ltd		
To Pre-Inquiry Change 56			
5299PC	Mr David W Jones	5686PC	Apsley Developments Ltd
5324PC	Wilcon Development Group Ltd	5696PC	Kings Langley & District Residents Assoc
5340PC	Lattice Property	5743PC	Felden Park Farms Ltd
5595PC	Mr P Witt & Ms S Wareham		

**Supports for pre-inquiry changes**

For Pre-Inquiry Change 54			
5413PC	CPRE - The Hertfordshire Society		
For Pre-Inquiry Change 55			
5244PC	Helen Wolfenden	5414PC	CPRE - The Hertfordshire Society
For Pre-Inquiry Change 56			
5415PC	CPRE - The Hertfordshire Society		

## Key Issues

- (a) Is the local infrastructure able to support the proposed increase in housing density on the John Dickinson site (TWA3) and could all of the planning requirements still be met. (5222PC, 5594PC)
- (b) Should the housing sites adjoining the Manor Estate (TWA6 & TWA7) be retained in the Plan. (5624PC, 5685PC, 5742PC)
- (c) Is the Gas Board site (TWA8) an appropriate location for housing and if so should the capacity of the site be increased. (5299PC, 5324PC, 5340PC, 5595PC, 5686PC, 5696PC, 5743PC)

## Inspector’s Conclusions

### *General*

7.50.1. These objections all relate to Proposal sites within Two Waters and Apsley that are contained within Part 4 of the Plan. I have addressed the objections to the Two Waters and Apsley section of Part 4 in Chapter 17 of my report. Consequently, I deal only briefly at this point with the coincidental counter-objections to the pre-inquiry changes to the Schedule of Housing Proposal Sites in Section 4 of Part 3 of the Plan.

### *(a) Impact of increased capacity of John Dickinson site*

7.50.2. I address the issue of the John Dickinson site in more detail in section 17.21 of my report. As full planning permission has now been granted for this development and it is substantially complete these objections are no longer strictly relevant. However, I find no reason to believe that the local infrastructure will be unable to support the housing that is being built on the site. While there have been some minor changes to the planning requirements, including the provision of a slightly lower percentage of affordable housing, it appears most have been met. I, therefore, recommend that no modification should be made to the Plan in response to these objections.

### *(b) Land adjoining Manor Estate*

7.50.3. I have already indicated in Chapter 4 that I consider that the sites at the Manor Estate should be retained in the Plan. I consider that these sites are sustainable, available and would have limited impact on the Green Belt and adjoining countryside. I set out my reasons for this conclusion in more detail in Chapter 17 (*see sections 17.22 and 17.23*). In the circumstances, I consider that PIC 55 and 56 should not be proceeded with. However, in the light of my recommendation in section 17.23 the net capacity for TWA7 should be increased to 270 dwellings. I recommend, therefore, that the Plan should be modified accordingly

### *(c) Suitability of Gas Board site and appropriate density*

7.50.4. Although a number of objectors argue that allocation of the Gas Board site at London Road for housing would result in an unacceptable loss of employment land. In the light of my conclusions in Chapter 8 I am satisfied that the contribution this land makes to the overall employment land reserve is not so crucial as to prevent its reuse for housing.

- 7.50.5. I note the suggestion that the presence of the existing gas infrastructure would make it an unsuitable location for housing and could significantly delay the site coming forward for housing. However, based on the evidence I heard at the Inquiry I am satisfied that there is scope for much of the site to be developed despite the presence of the gas mains and gas holder. Subject to the housing being sited outside the appropriate building proximity distances I can see no reason why the site should not be suitable for housing. Indeed, as it would involve the development of a brownfield site close to the main station and town centre I consider that its use for housing would entirely accord with the objectives of national policy.
- 7.50.6. I appreciate that the operational requirements of Transco may mean that the gas holder has to remain on the site for the time being. However, I see no reason why this should delay the commencement of development. Based on the available evidence I am satisfied that there is a reasonable prospect that the site would come forward within the Plan period.
- 7.50.7. Turning to the capacity and the issue of the park and ride site, I note the concerns raised by the landowner regarding the viability of the development. I accept that the restriction imposed by the requirement for a park and ride site could make financing of the housing more marginal. However, I am not convinced on the basis of the limited evidence given on this point that the retention of part of the site for a park and ride scheme would make the proposed housing financially unviable, particularly at a time of rapidly rising house prices.
- 7.50.8. In spite of this conclusion, I do not consider that the allocation of part of the site for a park and ride scheme would be the most appropriate use of the land. In particular, I am not satisfied that there is sufficient certainty that a park and ride site will be needed during the Plan period to warrant retaining part of the site for this purpose. Even if there were to be a need I consider that other more suitable sites may be available, for the reasons I set out in section 10.35 of my report. In my view, therefore, it would be more appropriate for the whole of the site to be allocated for housing.
- 7.50.9. The landowner suggests that on this basis and assuming the gas holder remains that the site would have a capacity of 80 units. However, this ignores the land to the rear, which is in separate ownership. Moreover, I consider that a capacity of 80 units on the Gas Board site would be an unacceptably low density for a site in this location taking into account the nature of its surroundings and its proximity to the town centre and railway station. I, therefore, recommend that the net capacity should be set at 150 dwellings. Subject to this change I recommend that PIC56 should be adopted.

**Recommendation**

7.50.10. **The Plan be modified as follows:-**

- (a) increase the net capacity of TWA7 to 270;**
- (b) insert the additional housing site at London Road (TWA8) in accordance with PIC56, subject to the net capacity being amended to 150.**

7.50.11. PICs 54 and 55 not be adopted.

**7.51. HOUSING: SUGGESTED NEW SITES: BERKHAMSTED**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
532	The Chiltern Society	1877	Mr D Allen
1248	The Chiltern Society	2127	Miss J Wilcox
1249	The Chiltern Society	4169	The Governors of Ashlyns School
1794	Taywood Homes Ltd	5799	The Trustees of IS Macdonald Estate

**Key Issues**

- (a) Should Gossoms End (east) be allocated as a housing proposal site. (532)
- (b) Should Gossoms End (west) be allocated as a housing proposal site. (1249)
- (c) Would it be appropriate for the Plan to identify land at Manor Street/Ravens Lane, Berkhamsted as a new housing proposal site. (1248)
- (d) Should additional land to the west of Durrants Lane be designated for housing. (1794)
- (e) Would it be reasonable to allocate further land at Bank Mill Lane for housing. (1877)
- (f) Would land at Blegberry, Shootersway, Berkhamsted be an appropriate location for housing. (2127)
- (g) Should land at Ashlyns School, Hilltop Road, Berkhamsted be identified as a new housing proposal site. (4169)
- (h) Is land at Ivy House Lane, Berkhamsted suitable for housing. (5799)

**Inspector’s Conclusions**

**(a) Gossoms End (East)**

7.51.1. The Plan already identifies the employment area at Gossoms End (East) as being a site where new housing would be encouraged under Policy 33. In view of the site’s location adjoining Housing Proposal Site H4 and the existing housing in Tweed Close to the north I accept that housing would be a suitable use on this site. However, commercial units that appear for the most part to be in active use still occupy the land. I am not satisfied therefore that there is sufficient certainty of the site coming forward for it to be specifically allocated as a housing site. This would not prevent the site coming forward should the current owners/occupiers decide to redevelop the land.

7.51.2. Even if the site was identified as a specific housing proposal I do not consider this would make any difference to the overall housing figures. The Council’s housing strategy, which is set out in Policy 17, is based on the assumption that further units will come forward during the Plan period on unidentified employment sites, particularly those included in Policy 33. In the circumstances, I recommend that no modification should be made to the Plan in response to this objection.

**(b) Gossoms End (West)**

7.51.3. This area is also identified under Policy 33 as being suitable for conversion to housing. In view of its relationship with Edgeworth House I agree that its redevelopment would be appropriate. Unlike the land at Gossoms End (East), however, the unit occupying this land had been vacant for some 18 months at the time of the Inquiry, although it was advertised for lease. I consider, therefore, that there is a more reasonable prospect of the site coming forward for housing in the foreseeable future. However, in the absence of more detailed evidence as to the intentions of the owner I do not consider that it would be appropriate for it to be included as a Housing Proposal Site. Clearly the fact that it is not included in the Schedule of identified sites would not prevent it coming forward for housing. I recommend, therefore, that no modification should be made to the Plan in response to objection 1249.

**(c) Manor Street/Ravens Lane**

7.51.4. A detailed application for 49 dwellings had been made on this site at the time of the Inquiry. I expect that by now permission has been granted. In these circumstances, it would be reasonable for the site’s contribution to the housing land supply to be acknowledged. However, I accept that this is unlikely to make any difference to the overall housing figures since the housing strategy already relies on a significant element of housing coming forward on unidentified sites like this.

7.51.5. I note that the Council intends to update the housing position at the Proposed Modifications stage. In view of the time that has passed since the Plan was placed on deposit there are bound to have been changes in the position. In the circumstances, I consider that the Council’s proposed approach to be a sensible one. I, therefore, recommend that the Plan be modified to take account of changes in the housing position since the Deposit Draft was prepared. Whether or not the Council includes sites like this in the Schedule of Housing Proposal Sites I leave for them to decide. However if the site is likely to be substantially complete by the time the Plan is adopted I see no real advantage in it being included in the Schedule.

**(d) Land to west of Durrants Lane**

7.51.6. This site, which consists of a large open field of some 5.79 hectares, is located on the side of the valley between Durrants Lane, Bell Lane, Chaucer Close and Westfield Road. The Rookery, a roughly rectangular block of woodland, bound it on its southern edge. I have already addressed the Green Belt implications of this site in paragraphs 4.19.25 to 4.19.27 of my report. I therefore deal only with housing considerations at this point.

7.51.7. The site would be relatively well served by public transport with hourly services operating along the adjoining section of Westfield Road and half hourly services along High Street a short distance to the north. Most of the site would be within 800 metres of the local centre at Northchurch and at its nearest point it would also be within 1000 metres of the edge of the town centre. Westfield First School is within 400 metres of the site. I accept therefore that the site is an accessible location and is well located in relation to existing facilities.

7.51.8. However, as I have already established earlier in my report I do not consider that there is a need to identify more land in Berkhamsted for housing. Although I have recommended that H52, which I accept is less accessible, should be brought forward its development would produce a comprehensive package of benefits that would not be available from the development of the objection site. More importantly, this site would be far more prominent from the opposite side of the valley. I consider, therefore, that the proposed housing would result in a visually intrusive extension of the built-up area along the attractive open sides of the valley. I appreciate that housing on the other side of the valley extends higher up the valley but I am not satisfied that this is sufficient reason to justify further development on the southern valley slopes to the west of Durrants Lane. In the circumstances, I am not satisfied that there is sufficient reason to merit this site being included in the Schedule of Housing Proposal Sites. I, therefore, recommend that no modification should be made to the Plan in response to objection 1794.

**(e) Land at Bank Mill Lane**

7.51.9. This site, which is approximately 4.8 hectares, lies on the valley floor at the eastern edge of Berkhamsted. It is bounded by the A4251, Bank Mill Lane and Bulbeggars Lane. It includes part of the curtilage of New Lodge and the large open field to the east. I have already dealt with Green Belt issues relating to this site at paragraph 4.17.20. In addition, I have considered the New Lodge part of the site, which falls within Housing Proposal H1, in section 7.17 of my report. I have concluded that this area would be suitable for housing and should therefore be retained as a housing site in the Plan. I have, therefore, restricted my consideration at this point to the implications of housing development on the open field.

7.51.10. The field forms an attractive open area of land, through which the River Bulbourne meanders. Owing to the low hedge along the A4251 it forms a prominent feature on the approach into Berkhamsted from the east. It also contributes to the rural character of Bank Mill and Bulbeggars Lane. In my view development of this area for housing would result in a harmful extension of the built-up area into the open land along the valley floor which makes such an important contribution to the setting of Berkhamsted.

7.51.11. Although regular bus services travel along the adjoining A4251 it is more than 1000 metres from the station and between 800 and 1200 metres from the edge of the town centre. It would also be more than 400 metres from the nearest primary school. In the circumstances, I am not satisfied, therefore, that it would be more accessible than any of the identified sites with the exception of H52. However, it would not provide any of the benefits that would come forward from the development of that site. In the light of my conclusions in section 7.4 I find no reason for additional land to be allocated for housing in Berkhamsted in order to meet the Structure Plan Review housing requirement. In the circumstances, I conclude that this site should not be identified for housing. Accordingly, I recommend that no modification should be made to the Plan in response to objection 1877.

**(f) Blegberry, Shootersway**

7.51.12. The original objection sought the identification of a much larger parcel of land to the west of Blegberry. However, the subsequent representation in relation to the linked

Green Belt objection (O/2126/1) indicated that the objector was now seeking the identification of a much smaller parcel of some 0.84 hectares to the rear of Blegberry. A small triangle of land in the north-east corner of the site, which was not part of the Green Belt was included within the outline planning permission for 5 dwellings that was granted on 13 June 2000. I, therefore, deal here with the proposed allocation of the remaining 0.75 hectares for housing. I have already addressed the Green Belt considerations relating to this site in paragraphs 4.25.9 to 4.25.13 of my report.

- 7.51.13. As the site lies on the remote south western periphery of the town and is a considerable distance from a main bus route and local shops and schools I agree with the Council’s assessment in CD53A, which indicates that it has a relatively poor sustainability credential. In view of the distance to local facilities I consider that housing in this location would be likely to generate additional car journeys contrary to the objectives of national policy, as set out in PPG3 and PPG13. The development would not be of sufficient scale to warrant the provision of additional infrastructure to overcome these problems. In the circumstances, I find that it would fail to meet at least two of the criteria in paragraph 31 of PPG3.
- 7.51.14. I am also concerned that development in this location would erode the vulnerable rural fringe that lies between the southern edge of Berkhamsted and the A41. In my view it could set a damaging precedent for further infilling along this narrow strip of land. In the absence of an overriding need for additional housing land in Berkhamsted I am not satisfied that there is sufficient justification for allocating this site. I recommend that no modification should be made to the Plan in answer to objection 2127.

**(g) *Ashlyns School, Hilltop Road***

- 7.51.15. This site, which is some 1.53 hectares in extent, is situated between the buildings of Ashlyns school and Hilltop Road. It currently forms part of the school playing fields. There is no boundary feature along its southern side but an embankment and a line of mature trees mark its frontage to Hilltop Road. I have already considered the objection to the definition of the Green Belt boundary in this location at section 4.20 of my report, where I concluded that the site was not more sustainable than any of the Berkhamsted housing sites proposed in the Plan. I have, therefore, addressed only the housing considerations at this point.
- 7.51.16. In view of the lack of any existing vegetation on the southern boundary any new housing would be highly prominent from the remaining open part of the school playing fields to the south. Although it might be possible in due course to reduce its impact through new planting, this would take a considerable length of time. In the meantime the housing would form a substantial visual intrusion into the open landscape along the southern fringe of the town which is designated as a Landscape Conservation Area.
- 7.51.17. While the site is partly screened from the adjoining housing to the south, at least during the summer months, by the existing trees, some of these trees would undoubtedly have to be removed to provide vehicular access to the site. Consequently, not only would residents of Hilltop Road have to put up with additional traffic from some 50 dwellings but it is also probable that their outlook would be eroded, especially during the winter months. Although on its own this would not warrant

rejecting the site, I find it adds to my concern about the visual intrusion that would be caused by housing development in this location.

- 7.51.18. Although there is a bus stop on Hilltop Road directly adjacent to the site, this is served by an hourly service that does not run in the evenings or at weekends. I appreciate that the site would be within 400-500 metres of the town centre at its nearest point and just over 1000 metres of the station. However, in view of the significant difference, which would be around 50 metres, I consider that future occupiers would be more likely to use their car to access local shops and other facilities than to walk or cycle.
- 7.51.19. The site is within reasonable proximity of Victoria and Swing Gate First Schools and Thomas Coram Middle School. It would also of course be very close to Ashlyns School. However, I am not satisfied that this advantage is sufficient to outweigh the other disadvantages of its location. Certainly, I am not persuaded that it would make it a more sustainable location for housing than other sites identified in the Plan.
- 7.51.20. I understand the difficulties Ashlyns School has in obtaining sufficient funding for providing and maintaining sporting facilities. I have no doubt that the provision of a new sports hall and all weather pitch, which would be open at times to the public, would benefit the local community. However, although Berkhamsted has a deficiency of recreational land, the surrounding residential area is not poorly served in this regard. I am not satisfied that the benefits of providing improved sporting facilities on the site would be sufficient to warrant the site being allocated for housing in the current Plan. My view is strengthened by the fact that there is no need, in my view, for additional land to be allocated in order to meet the Structure Plan housing requirement. Consequently, I recommend that no modification should be made to the Plan in the light of objection 4169.

**(h) Ivy House Lane**

- 7.51.21. This site, which is some 4.4 hectares in area, consists of a large field on the western side of Ivy House Lane. It is bounded on 3 sides by existing housing. I have already addressed the Green Belt objection (1047) in relation to this site at section 4.21 of my report. Accordingly I deal solely with the housing considerations at this point.
- 7.51.22. I have already established that there is no need for further housing land to be identified in Berkhamsted in order to meet the housing requirement for the period up until 2011. Neither, in my view, would it be appropriate to allocate greenfield land for development beyond that in the light of the advice in PPG3. Consequently, I find no justification for identifying this site for housing in order to meet housing needs.
- 7.51.23. Although the site is bounded on three sides by existing housing I find that it forms part of the attractive dry valley which runs eastwards into the vulnerable swathe of open countryside that lies between Berkhamsted and Hemel Hempstead. Consequently, I consider that development of this site for housing would have a damaging impact on the rural character of the area.
- 7.51.24. In addition, it is poorly located in terms of access to public transport and to local facilities, particularly the nearest primary school. In the circumstances, its development for housing would be likely to generate higher levels of car use than sites in more sustainable locations. There would also appear to be potential problems in

accommodating the additional traffic on the surrounding road network due to the substandard nature of some of the junctions. Overall, therefore, I am not satisfied that the site would be a suitable location for housing. I, therefore, recommend that no modification should be made to the Plan in the light of objection 5799.

**Recommendation**

7.51.25. **The Council review the housing provision in the Plan in the light of changes that have occurred since the Plan was placed on deposit, with particular regard to development at Manor Street/Ravens Lane.**

7.51.26. **No other modification should be made to the Plan in response to these objections.**

**7.52. HOUSING SUGGESTED NEW SITES: BOVINGDON**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
969	S Di-Castri	4208	Hemel Hempstead Open Spaces Society
1927	R Buckell	5186	Messrs A R & The Executors of C Glenister
2560	Mr B Moggs	5199	Mr R E Margrave
4201	Mrs E M Nyboer	5201	The Freeholders of Grange Farm

**Key Issues**

- (a) Would major housing development at Bovingdon be a better alternative to proposed Green Belt development at Hemel Hempstead. (969, 1927, 2560, 4208)
- (b) Should land between Le Chalet and Hunters Close, Long Lane, Bovingdon be added to the Schedule of Housing Proposal Sites. (4201)
- (c) Is land at Shantock Hall Lane, Bovingdon an appropriate housing location. (5186)
- (d) Would the land adjacent to Louise Walk and Yew Tree Drive, Bovingdon be a suitable location for housing. (5199)
- (e) Is Grange Farm, Bovingdon an appropriate housing location. (5201)

**Inspector’s Conclusions**

**(a) Major housing development in Bovingdon**

7.52.1. Most of these objectors argue that land at Bovingdon, particularly at the airfield, would be a more suitable location for strategic housing development than the proposed sites in Hemel Hempstead. The Hemel Hempstead Open Spaces Society (4208) suggests that the area of development at West Hemel Hempstead should be reduced in size by developing part of Bovingdon Airfield. It is pointed out that Bovingdon Airfield has potentially good access to the A41 and would be large enough as a development site to provide its own infrastructure.

7.52.2. I have already addressed the question of expanding Bovingdon as a settlement, including extending it to cover the airfield, in paragraphs 4.8.10 to 4.8.12 and have dealt with the implications for the Green Belt at paragraph 4.15.30. I, therefore, consider only the housing issues at this point.

- 7.52.3. I appreciate that Bovingdon Airfield strictly constitutes brownfield land. However, apart from the runways the land is generally undeveloped. Large scale housing development on the site would therefore result in a significant intrusion into the surrounding countryside. While it might be possible to provide suitable access to the A41 via an improved Bourne End Lane, I am not satisfied that this would make it a sustainable location for major housing development. Indeed, in view of the distance from the nearest station and the lack of local employment it could be argued that the proximity to the A41 would result in the site generating a higher level of car borne traffic than the alternative sites on the periphery of Hemel Hempstead.
- 7.52.4. Moreover, although it might be possible for the development to be large enough to support some additional infrastructure, such as a new primary school, it is unlikely to be able to support higher level services. Since the existing village has no secondary school and only a limited range of shops, I consider that significant development at the airfield or in any other location around Bovingdon would be likely to increase the need to travel contrary to the objectives of national policy.
- 7.52.5. I am also concerned that large scale housing development at Bovingdon could result in the existing village becoming swamped, particularly as the capacity of its existing services would already appear to be stretched. Major development at this location could also make it more difficult for the Council to achieve its targets for recycling brownfield sites within the existing urban areas of the Borough.
- 7.52.6. Bovingdon Airfield is not identified as a strategic housing location in the Structure Plan whereas Hemel Hempstead is. Consequently, if the Borough Council were to decide to move a substantial part of the housing allocation from Hemel Hempstead to Bovingdon the Local Plan would not longer be in general conformity with the Structure Plan contrary to the statutory requirement. I am not satisfied, therefore that Bovingdon would be a more sustainable location for major housing development. I, therefore, recommend that no modification should be made to the Plan in response to these objections.
- 7.52.7. In reaching this conclusion I have taken account of the much smaller site put forward by Hemel Hempstead Open Spaces Society. However, this would be of insufficient scale to support significant additional infrastructure. It would therefore be likely to lead to increased pressure on existing village services and facilities and additional traffic congestion in the village centre. It would also be in a very prominent and open location adjacent to a sharp bend in the B4505. Consequently, development on the site would have a significant impact on the rural character of the area. There is no evidence of a need for more housing in Bovingdon. In the circumstances, I consider that even the allocation of this smaller area would be inappropriate.

**(b) *Land at Long Lane***

- 7.52.8. I have already covered Green Belt considerations relating to this site at paragraphs 4.27.32 to 4.27.40 of my report where I set out a detailed description of the site and its surroundings. Turning to the housing issue, the site is located well outside the village envelope and is more than 1000 metres from the village centre and local primary school. Although there is a bus route along Long Lane this would appear to be limited to an hourly service on weekdays and Saturdays with no evening or Sunday services.

In the circumstances, I consider that future occupiers would be likely to make significant use of their cars to access local services and facilities. I am not satisfied, therefore, that it is a sustainable location for housing.

- 7.52.9. I acknowledge that the site falls within a scattered ribbon of development that runs south along Long Lane. However, most of this has existed for many years and the lane remains largely rural in character. Where newer development has been allowed this appears to have been due to particular circumstances, which are no longer apposite. The higher density housing immediately to the north of the site at Hunters Close was originally built to provide accommodation for service personnel based at Bovingdon Airfield. The development of “Tamarinda”, which was allowed on appeal in 1974, predated the inclusion of the area in the Metropolitan Green Belt. Permission for the 5 houses at The Hollies was granted on the basis that it provided for the removal of a haulage yard. In the Council’s view this constituted the very special circumstances necessary to justify allowing inappropriate development in the Green Belt. I am not satisfied, therefore, that the circumstances of any of these developments are comparable to those of the objection site.
- 7.52.10. I appreciate that the site was identified as being suitable for housing in the 1974 Bovingdon Village Study. However, this was almost 30 years ago and planning policies have changed significantly since then. I have also taken into account the fact that it was allocated for low cost housing in the Deposit Draft of the adopted Local Plan. However, the previous Inspector concluded that there was insufficient evidence of need to justify this allocation and considered that the allocation conflicted with national Green Belt policy. It was therefore deleted from the Plan. I am not satisfied therefore that this previous allocation merits concluding that the site would be a suitable location for housing.
- 7.52.11. While buildings previously occupied the site it is now largely overgrown. I find, therefore, that it has assimilated into the landscape and contributes to the attractive rural atmosphere of the area. It no longer, in my view, falls to be classified as previously developed land under the definition in Annex C of PPG3. Even if it did I do not consider that this would be sufficient to warrant its allocation for housing. Government objectives give priority to the redevelopment of land within existing urban areas. The reuse of other brownfield sites for housing would in my view only accord with the thrust of Government policy where such sites were in sustainable locations either adjoining existing built-up areas or close to main transport nodes. I am not satisfied that this is the case in respect of this site.
- 7.52.12. As for the concerns raised about the findings of the Bovingdon Airfield Study I deal with these in more detail in Chapter 15 of my report. However, even if the reference to the site’s possible use as a community nature reserve in Part 4 of the Plan is removed, as I have recommended, I am not satisfied that this is grounds for concluding that it should be allocated for housing. I appreciate the difficulties and expense that may be involved in dealing with the remaining footings and water tank but I am not convinced that the need for or cost of their removal and/or infilling would be sufficient to warrant allocating the site for development. I, therefore, recommend that no modification should be made to the Plan in the light of objection 4201

**(c) Land at Shantock Hall Lane**

- 7.52.13. This site covers a substantial area of some 23 hectares between Bovingdon Green, Long Lane, Shantock Lane, Shantock Hall Lane and Bakers Wood. I have already dealt with the related objection (5185) that seeks the removal of this area and adjoining land to the west from the Green Belt at paragraphs 4.27.29 to 4.27.31. In respect of the housing objection I note that the site is situated within an area of generally open countryside between 1000 and 1800 metres south of the village centre. It would therefore be well beyond reasonable walking distance from local facilities. Although there is a bus service past the site it runs infrequently. In the circumstances, I find the Council’s conclusion that it would have a sustainability score of –3 (*see CD53A*), the lowest of all the housing sites assessed in CD53A, unsurprising.
- 7.52.14. Although there is some commercial development in the area its impact is limited in my view and the area remains entirely rural in character. A development of the substantial area proposed would result in a significant intrusion into the countryside unrelated to any existing built-up area. It would also be likely to place severe strain on local services in Bovingdon, which are already under pressure due to previous expansions to the village. It is unlikely in my view that existing facilities, notably the primary school, could be adequately extended to accommodate the additional population.
- 7.52.15. In any case, there is no evidence that there is a need for this amount of housing to serve local needs. There is certainly no indication that further housing will be required in relation to the expansion of the HM Prison The Mount. Even if there were this area not only far exceeds what might be required but I consider that there are also likely to be other more sustainable locations much closer to the prison. Consequently, I consider that the allocation of this site for housing would be contrary to the objectives of national policy set out in PPG3. I therefore recommend that no modification should be made to the Plan in response to objection 5186.

**(d) Land adjacent Louise Walk/Yew Tree Drive**

- 7.52.16. This site, which extends to some 6.5 hectares, lies on the south western side of the village between the Football Ground and Yew Tree Drive. I have already considered its removal from the Green Belt in paragraphs 4.27.4 to 4.27.7 where I concluded that there were no exceptional circumstances to warrant modifying the Green Belt boundary in relation to this site. With regard to the housing objection I appreciate that this site would be far closer to the village centre and local primary school than the other sites in Bovingdon, which have been put forward for housing by objectors. However, while it would be relatively accessible I am concerned that a development of this scale would have a significant impact on existing services, which are already under strain. It would also be likely to add to congestion in the village centre.
- 7.52.17. I note the objector’s suggestion that the site could be considered for affordable housing or as mobile home park to provide truly low-cost housing in the area. However, while I have found that there is a substantial need for affordable housing in the Borough, I am not satisfied that there is sufficient evidence to conclude that the need is so significant locally as to warrant the allocation of a site of this scale. I am not satisfied therefore that there would be sufficient justification for including this land within the Schedule of Housing Proposal Sites.

7.52.18. Even if the Council were subsequently to determine that there was a significant need for low-cost housing, which could not be met on sites within the existing village, it would be open to them to consider granting permission for an appropriate scheme under the provisions of Policy 26. In the absence, therefore, of clear evidence of a local need for additional housing in the village I recommend that no modification should be made to the Plan in the light of objection 5199.

**(e) Grange Farm**

7.52.19. This objection relates to an even larger area of land of some 14.5 hectares in extent that flanks the south eastern edge of the village. I have previously considered the release of this land from the Green Belt in paragraphs 4.27.8 to 4.27.11. As for the housing objection it is clear that as the site would be more than 800 metres from the local school and only slightly closer to the village centre it would be rather remote from local facilities. I note the suggestion that the school could be relocated to the site but in my view this could result in an increased level of traffic in view of the objection site’s peripheral location and the likelihood that it would lead to a reduction in the number of linked trips.

7.52.20. More importantly I am concerned that development on this scale would place an intolerable burden on the existing infrastructure in the village which would appear to be at or close to capacity. It could also lead to increased traffic congestion in the village centre. I have already established that Bovingdon would not be a sustainable location for major development. In addition, I have found there is no overriding need to allocate further land in the village to meet either general or local housing needs. In the circumstances, I consider there is sufficient justification to warrant this site being allocated for housing. Accordingly, I recommend that no modification should be made to the Plan in answer to objection 5201.

**Recommendation**

7.52.21. **No modification be made to the Plan in response to these objections.**

**7.53. HOUSING: SUGGESTED NEW SITE  
BREAKSPEAR WAY, HEMEL HEMPSTEAD (H15A)**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
4108	Lucas Aerospace	5162	Mr Tony McWalter MP
4188	English Partnerships		

**Counter Objections**

To Pre-Inquiry Change 57

5221PC	Mr L H Taber	5625PC	The Directors of Shendish Manor Estate
5300PC	Mr David W Jones	5638PC	Taywood Homes Ltd
5314PC	HCC Environment Department	5687PC	Apsley Developments Ltd
5325PC	Wilcon Development Group Ltd	5728PC	English Partnerships
5372PC*	The Caravan Club	5744PC	Felden Park Farms Ltd
5376PC	Linden Homes South-East Ltd	5787PC	Councillor D Bennett
5596PC	Mr P Witt & Ms S Wareham	5791PC	Lucas Aerospace

**Supports for pre-inquiry changes**

To Pre-Inquiry Change 57

5366PC	Mrs G Cox	5707PC	Leverstock Green Village Association
5416PC	CPRE - The Hertfordshire Society	5795PC	Hemel Hempstead Open Space Society
5700PC	Lucas Aerospace		

**Key Issues**

- (a) Is the land at Breakspeare Way a more appropriate location for housing. (4108, 4188, 5162, 5221PC, 5300PC, 5314PC, 5325PC, 5372PC, 5376PC, 5596PC, 5625PC, 5638PC, 5687PC, 5744PC, 5787PC)
- (b) If it is included what should the dwelling capacity be. (5728PC)
- (c) Should the exact proportion of affordable housing units required be identified in the Plan. (5728PC, 5791PC)
- (d) Are the other planning requirements appropriate. (5728PC, 5791PC)

**Inspector’s Conclusions**

*General*

7.53.1. The owners of land north of Breakspeare Way and the local MP object to the omission of this land, arguing that it would be a more suitable location for housing, particularly as it would not involve the loss of Green Belt land. In response the Council proposes under PIC57 to identify 12 hectares of land, which includes the Lucas Aerospace Sports Ground, the former Kodak Sports Ground and the Caravan Club site, as a new housing site for 350 dwellings within Part I of the Schedule of Housing Proposal Sites. In conjunction with this change it is also proposed under PICs71, 149 and 152 to delete the various employment and leisure proposal sites on this land. It also proposes to remove various other greenfield housing proposal sites on the periphery of Hemel Hempstead, notably on land adjoining the Manor Estate at Apsley, as well as one site in Kings Langley and another in Berkhamsted.

7.53.2. A number of objections have been made to these changes, including some from the owners of other proposed housing sites. However, there have also been representations in support of the changes. I deal with the changes in respect of the employment and leisure proposals in Chapters 8 and 11 of my report. I have therefore sought to address only the issues relating to the proposed allocation of the site for housing at this point.

**(a) Suitability of site for housing**

*General*

7.53.3. This site which is some 12 hectares in extent lies adjacent to the Maylands Avenue Industrial Estate close to the eastern edge of the town. The Lucas Aerospace sports ground forms the largest part of the area. In the north western corner is the former Kodak sports ground, which is now largely unused, and in the south west corner is the Caravan Club site. On its western side the proposed housing would be flanked by the Lucas Aerospace factory, which is proposed in the Plan as a core office location. To the north and west lies the small enclave of housing at Hales Park, beyond which is Wood End Lane and the industrial area to the north. On the eastern side it is bordered by Buncefield Lane and the areas of open land formed by Woodwells Cemetery and

Farm. To the south is the A414, which forms the main link from the town centre to the M1 motorway.

- 7.53.4. The Council’s main reason for putting this site forward in substitution for other greenfield sites adjoining the Manor Estate at Apsley and at Berkhamsted and Kings Langley appears to be that it would enable the extent of land to be released from the Green Belt to be significantly reduced. It also appears to consider that the development of a greenfield site within the existing urban area would accord more closely with the objectives of PPG3 than the development of greenfield land on the periphery of the town would.
- 7.53.5. The sequential test in paragraph 30 of PPG3 makes no reference to the use of greenfield land within towns. It merely states that the reuse of previously developed land and buildings within urban areas should come first followed by urban extensions. While the wording of paragraph 65 might suggest that a site within the urban area would be preferable to one outside it this is not explicitly stated. Indeed, in the light of the advice in paragraphs 52 and 53 on greening the residential environment it could be argued that the protection of urban green spaces is of equal importance.
- 7.53.6. Moreover, although paragraph 68 makes clear the Government’s continuing strong commitment to maintaining the Green Belt it accepts that an extension of the urban area into the Green Belt may be preferable to development taking place on a greenfield in a less sustainable location. In my view, therefore, the primary question in this case is whether the land at Breakspear Way would constitute a more sustainable location for housing than those sites that the Council proposes to delete.
- 7.53.7. In considering this issue I shall look briefly at the arguments in respect of housing need and the compatibility of the site’s allocation with the Council’s overall housing strategy. I shall also examine the site sustainability credentials and more briefly its impact on employment provision, the loss of open space and the effect on recreational needs. In addition, I will analyse the capacity of the existing infrastructure, the effect on the surrounding road network and the environment that would result for both existing and proposed residents.

***Housing need and overall strategy***

- 7.53.8. I have already established in section 7.4 that the Council has over-estimated the number of dwellings that are likely to come forward on unidentified sites. However, I have also concluded that for the most part the shortfall can be addressed by enlarging a few of the proposed sites and increasing the density on others. I am not persuaded that it would be necessary to allocate any additional greenfield land in addition to that provided for in the Deposit Draft. I find no reason, therefore, for the land at Breakspear Way to be included in the Plan in addition to those greenfield sites that were originally identified. In the circumstances, I am satisfied that it would only be appropriate for this site to be allocated for housing if it were in substitution for one or more of the greenfield sites proposed in the Deposit Draft. Whether or not such a substitution would be appropriate would depend on whether the site would be a better location for housing and would accord more closely with the Plan’s overall strategy.
- 7.53.9. Turning to the last matter first I note that the maintenance of the Green Belt is one of the main objectives of the Local Plan. However, it is also a key element of the

development strategy to locate new development in accordance with the principles of sustainable development. In seeking to achieve the latter the Council made clear at the Inquiry that one of its principle aims in determining the locations for additional housing had been to choose sites that would form extensions to existing neighbourhoods. It was also argued that it had chosen to adopt a strategy of an east - west dispersal for new housing, although this does not appear to have been specifically identified within the Plan.

- 7.53.10. The land at Breakspear Way would be separated from Leverstock Green to the south by the substantial barrier formed by the A414. It would be divorced from the neighbourhood of Adeyfield to the west by Maylands Avenue and the existing industrial area. In fact the only existing housing it would adjoin is the much smaller enclave of Hales Park. It is abundantly clear therefore that it would not form an extension of an existing neighbourhood. To this extent therefore it would not appear to comply with the Council’s original aims in respect of its locational strategy for new housing development. Neither in my view would it accord with the ability to build communities criterion mentioned in paragraph 31 of PPG3.
- 7.53.11. I accept that it would tie in with an east-west dispersal of new housing, which the Council now maintains is their strategy. However, unlike the strategy of building on existing neighbourhoods I fail to see how such a strategy fits within any of the overall objectives of national planning policy. Indeed I cannot help feeling that this strategy arose out of the Council’s choice of housing sites rather than the sites being chosen on the basis of the strategy.

***Sustainability considerations***

- 7.53.12. Although it is argued by both the landowners and the Council that this site would be a sustainable location I note that the Council’s own initial assessment of this site in its Supplementary Environmental Appraisal (CSD53) in December 1999 identified it as having a score of +1. The only original areas of search that had received a lower score than this were Felden, North Hemel Hempstead, Bovington Airfield, Markyate and Tring. Moreover in its subsequent Assessment of Main Council Greenfield and Objection Housing Sites using Environmental Appraisal Sustainability Criteria (CD53A) which was prepared in May 2000 it continued to receive a score of +1. This was not only substantially lower than any of the other sites proposed in the Plan but it was also lower than all of the objection sites, with the exception of the sites at Cheverells Green, Markyate and Shantock Lane/Long Lane/Ley Hill Road, Bovington. It is hard therefore to understand why the Council consider it would be a more sustainable location than those it now proposes to delete.
- 7.53.13. Looking at the individual criteria that the Council used to assess the housing sites it is clear that the land at Breakspear Way would be more than 1000 metres from a railway station. However, this is true for many of the other sites proposed in the Plan and since a very high proportion of the local population work within Hemel Hempstead I do not consider proximity to a station is necessarily of primary importance within the local context.
- 7.53.14. The site is much closer to a bus route with the western part being within 400 metres of the bus stops on Maylands Avenue. These are served by a number of services, including at least one of which runs at half hourly intervals. Moreover, it is proposed

to extend one of the existing routes so that it would run through the estate and provide a service to the town centre at 15-minute intervals. In view of the size of the development proposed I am satisfied that this would be a viable option. Consequently, I accept that the development could be well served by public transport.

- 7.53.15. I am rather more concerned about pedestrian and cycle links. While I have no doubt these could be improved as they would have to cross the busy A414 and/or Maylands Avenue, which is also busy at peak times, I consider that such routes are likely to be relatively unattractive to walkers and cyclists.
- 7.53.16. The site would be in very close proximity to an existing employment area. However, it would be much less well related to existing shopping facilities. The local centre in Leverstock Green would be some 1200 metres from the centre of the site and the Adeyfield centre even further at 1600 metres. Some parts of the site would be even further away. This is clearly significantly in excess of the Council’s standards. I appreciate that there are some local shops on Wood End Lane and Vauxhall Road but even these would be 800 metres or more from the centre of the site and even further from the eastern part of the site. The large Tesco superstore at Jarman Fields would be over 2 kilometres away. I consider, therefore, that the site would generally be poorly related to existing shopping facilities.
- 7.53.17. In reaching this conclusion I have noted that it is intended to provide some retail provision on site. However, I have serious doubts about the viability of such provision. Although the retail capacity assessment by DTZ Peda Consulting suggests that it would be feasible, I note that it compares the provision with the existing centre at The Heights because of its similar catchment area. However, this has access to a greater number of households and provides a greater range of facilities. When one takes into account the convenience stores that already exist in the surrounding area it seems to me that the level of additional retail provision that it would be viable to provide would be extremely limited. Moreover, there is no certainty that it would serve the everyday needs of the residents of the new estate.
- 7.53.18. The situation with the schools would be even worse. Although the Council argued that the Leverstock Green JMI school is within 700 metres, it was accepted at the Inquiry that the actual minimum distance is closer to 1000 metres. It is clearly even further from the northern part of the site. Moreover it is separated from the site by the A414, which in my view forms a formidable barrier, even if an improved crossing were to be provided. At around 1700 metres the distance to Hobletts Manor Junior School is even greater. The distance to both schools significantly exceeds that stipulated in the Council’s standard, which itself exceeds that recommended in “Sustainable Settlements” (CD86). The distance to the nearest secondary school, Adeyfield Secondary Modern, would fall just within the distance specified in Appendix 2 to Technical Report 2 (CD43). However, it is the relationship to primary level education which I consider is of primary importance in sustainability terms. It is clear that in this regard the site falls well below an acceptable standard.
- 7.53.19. Although the Council’s criteria in relation to distance to facilities makes no mention of access to health facilities it is clear from paragraph 2 of PPG3 that access to such facilities is an important objective of national policy. In this case the nearest dental practice would be some 1200 metres away in Leverstock Green and the nearest doctors’ surgery even further away. I appreciate that the situation is not much better

for some of the other sites proposed in the Plan but I find it does add to my concern about the access to local facilities and services from this site.

7.53.20. Turning to the other criteria used by the Council in their assessment it is apparent that as the site is greenfield land it would not involve the reuse of a derelict or built-up site. However, I accept that it would not involve the loss of valuable landscape, neither would it affect an aquifer or floodplain nor high grade agricultural land. Since part of the site falls within the Wood End Area of Archaeological Significance it would clearly have an impact on an area of heritage importance. The Council’s assessment also contends that it would potentially have an impact on an area of nature conservation importance but this would be capable of mitigation. It appears that all that would be affected are the existing hedgerows and most of these could be retained. It would be close to the Buncefield Oil Storage and Distribution Depot but most of the site would be outside the consultation distance. However, it would clearly lead to the displacement of leisure facilities but it would not sterilise existing mineral resources.

7.53.21. As far as the site characteristics are concerned the Council argues that the environmental conditions would be poor and that it would have a detrimental visual impact and a poor relationship to adjoining uses. I consider that this is a reasonable assessment in view of the site’s proximity to the A414 and the adjoining industrial area. The Council acknowledges that it would be acceptable in terms of its slope, aspect and relationship to existing and proposed infrastructure. As it would be relatively level and south facing and close to existing roads and other utilities I accept this. Overall therefore I see no reason to seriously question the Council’s assessment. Consequently, I find that the site would not be a sustainable location for new housing.

***Loss of employment land***

7.53.22. I deal with this issue at greater length in the Chapter 8, under Policy 28, where I conclude that the supply of employment land proposed in the Plan is broadly in balance with the demand for employment floorspace. I have included Site E2 in this assessment, estimating that its 2.8ha of land would provide some 11,200 sq. m of B8 floorspace. The loss of E2 would have an adverse effect on this assessment, although the combined B2/B8 figure would remain a reasonable amount above the minimum requirement. Nevertheless it would remove some of the margin that is desirable to allow for the inherent shortcomings of the assessment process and variations that will arise during implementation. I consider, therefore, the loss of the employment site would be a further disadvantage arising from the allocation of this land for housing.

7.53.23. Moreover, the proposed housing would remove the opportunity to develop the objection site as a high quality ‘business park’, which over time could extend from Maylands Avenue across to include Proposal Site E2. This would not only help to ensure that longer term employment needs of the Borough can be met but together with the adjoining Lucas site would also enable a prestigious “gateway” development to be established on the A414 approach to the town. It would also have the potential to provide improved access to E2 and minimise the need for further expansion of the town into the Green Belt in order to meet future employment needs. I consider that this is an important consideration as there are few other sites that are as well located or have the same potential to accommodate B1 employment uses.

7.53.24. I appreciate that a major new development of this scale would not be required to meet current employment needs. However, in my opinion it is desirable that the concept is considered at this stage because the redevelopment of the Lucas site is likely to be the critical first phase. It would not only establish the character of the scheme but it could also provide much of the infrastructure around which the remainder of the development would be based. This strengthens my view that allocating this land for housing would not be making the best use of this land.

*Loss of open land*

7.53.25. Many of the counter-objectors argue that the Lucas Aerospace sports ground constitutes an integral part of the original landscaping of the New Town and that its retention as open land is critical to the character of the area and to the outlook from the A414. The Council and the landowners consider that the retention of a strip of open land along the A414 would be sufficient to maintain the visual integrity of the landscape along the A414, although there is some disagreement between them as to the necessary depth of this strip.

7.53.26. Although the area is clearly designated on the original master plan for the New Town as playing fields I am not convinced that this is sufficient reason to conclude that it was intended to form an integral part of the structural landscaping framework for the town. While the layout of the New Town clearly sought to retain and enhance open wedges of land along the existing valleys, there is no indication that the objection site was considered to fall within this category. In my view, it is more likely that the objection site was defined as open land for its recreational rather than for its visual importance. My view is strengthened by the fact that a substantial area of land to the north of the objection site, which has since been developed, is also shown as playing fields on the master plan. This area neither followed an existing valley nor did it form part of a wedge of open land leading into the built-up area.

7.53.27. I acknowledge that the western part of the site, which is currently occupied by the Lucas sports ground, is visible both from the stretch of the A414 immediately to the east of the Maylands roundabout and from the adjacent overbridge. It would no doubt also be visible from some parts of Leverstock Green to the south. In contrast, the Caravan Club site and the Kodak sports ground are largely hidden from external viewpoints by the existing trees and hedge. Consequently, I find that the Lucas sports ground makes a significant contribution to the setting of the A414 but that the rest of the site is of limited visual value in this regard.

7.53.28. However, while the Lucas sports ground forms a significant part of the belt of open land, which runs along both sides of the A414, the belt is deeper at this point than on the adjoining stretches, which make an equally important visual contribution. I am not satisfied, therefore, that it would be essential for the whole of the sports ground to be kept open in order to retain the overall appearance of a green wedge of open land along the A414. I appreciate that since there is no extant landscape feature visually dividing the site, development of the northern part of the ground would have a substantial impact on the outlook from the A414 in the short term. However, seen in the context of the adjoining factory, I consider that the retention of a wide and suitably landscaped strip of land along the road frontage, as proposed under PIC184, should be sufficient to maintain the general character of the important green wedge along the A414. I am not satisfied therefore that the loss of open land that would result from

housing proposal H15A would have an unacceptable visual impact on the area in the longer term.

- 7.53.29. I would, however, be concerned if the strip of open land along the A414 was narrowed any further than proposed under PC184. In my view this would be the absolute minimum area necessary to safeguard the visual contribution the green wedge makes to this important gateway into the town. The width of the narrower strip proposed by the landowner would appear to have been principally determined in relation to the noise levels generated by traffic on the A414. In my view, therefore, its definition was influenced more by the desire to provide the maximum area of developable land rather than by landscape considerations.
- 7.53.30. In reaching my conclusions on the visual impact of the proposed housing use I have taken into account the suggestion by one objector that the proposed town stadium would have a greater visual impact on the openness of the site than the housing. However, while I accept that the construction of the stadium would result in substantial built development on the site, I am satisfied that it would take up a much smaller area of land than the housing would. As such I consider there would remain much greater scope for significant structural landscaping. In the circumstances, I find that it would be likely to have less overall impact on the quality of the green wedge and on the overall openness of the site.
- 7.53.31. I have also noted the findings of the 1992 Local Plan Inspector who considered that the development of the northern part of the Lucas Sports Ground for employment use would significantly erode the open and undeveloped quality of this important area of open land (*see paragraph 6.118 of CD37*). However, this conclusion was reached in the context of there being no overriding need to identify any further employment land. I am not satisfied, therefore, that the circumstances are comparable.

***Loss of existing and potential recreational facilities***

- 7.53.32. I deal with this issue in more detail in Chapter 12 (*see sections 12.28 and 12.31*). Although the Lucas sports ground is privately owned it was still in use at the time of the Inquiry. PPG17 makes clear that such facilities are of special significance both for their recreational and amenity value. It therefore stipulates that playing fields should normally be protected unless there is an excess of sports pitch provision and public open space in the area or alternative provision of equivalent community benefit is made available.
- 7.53.33. At the time of the Inquiry the evidence indicated that there was a shortfall of some 12.3 hectares of open space in Hemel Hempstead, based on NPFA standards. However, some 7 hectares of land had been set aside at Bunkers Park for additional playing field provision (L2). This would leave a shortfall of around 5.3 hectares. It is clear therefore that there is no excess of sports pitch provision/open space within Hemel Hempstead. In the circumstances the loss of the Lucas sports ground would only accord with national policy if appropriate alternative provision were provided.
- 7.53.34. As part of the proposed housing development English Partnerships have offered to provide compensatory sports pitch provision on land it owns at the Bedmond Road end of Bunkers Park. The area proposed would be around 8 hectares, depending on the precise area that would be needed to provide a replacement caravan site. A minimum

of four pitches would be laid out, though it appears that the land is capable of being developed for up to seven pitches if this number were needed. The replacement pitches would be available for public use.

- 7.53.35. There is no question in my mind that these replacement facilities would be needed to compensate for the loss of the Lucas sports ground. I consider that the land at Bedmond Road would be a reasonably convenient location for this provision. Moreover the site is on the edge of Leverstock Green, which is an area that is relatively lacking in public open space. I also agree that the provision of public rather than private pitches would be a significant benefit to the community. I am satisfied therefore that the alternative provision would be of equivalent, if not greater, community benefit.
- 7.53.36. I note the counter-objectors argument that the land at Bedmond Road has been allocated for some time in order to make up for shortfalls arising from the past development of open space elsewhere in Hemel Hempstead. However, while the land is part of the larger Bunkers Park allocation, there is no indication that it would become available for sports use during the Plan period unless it was part of a package of future development proposals. Whilst it might originally have been intended to replace facilities already lost there appears to be no agreement in respect of this. I consider, therefore, that this argument carries little weight. Consequently I am satisfied that the replacement provision would accord with the advice in PPG17.
- 7.53.37. As for the Kodak sports ground this has not been used for well over 5 years and has been allocated for employment use since 1995. I am not satisfied, therefore, that it would be essential for these pitches to be replaced elsewhere. Even if their replacement was justified it is apparent that there is sufficient space on the Bedmond Road site to replace the total number of pitches lost on both the Lucas and Kodak sites if this is considered to be necessary.
- 7.53.38. Although there have been objections to the loss of the caravan site there is scope for a similar replacement facility to be provided on the Bedmond Road site. While I accept that it would be necessary for significant landscaping to be undertaken to soften its visual impact, I do not consider that such a facility would be out of keeping in principle in this urban fringe location. Although the new site would be slightly further from the A414 I am satisfied that the roads leading to it are of sufficient standard to safely accommodate the additional traffic without causing undue noise or pollution. I conclude, therefore, that satisfactory alternative provision could be made for the relocation of this facility.
- 7.53.39. Concern is also expressed by some objectors that development of this land for housing would prevent the realisation of the proposal for the town stadium that Leisure Proposal L14 refers to. It is clear that the stadium proposal was not a response to a clearly identified need but was intended to facilitate the development of spectator facilities over time. However, of the two local clubs that have aspirations to move up their leagues, one has already proposed improvements to its existing grounds and is therefore unlikely to need to relocate. I accept that the other would appear to suffer more significant constraints on any future expansion. While the evidence would suggest that it supports the stadium proposal, it made no direct representation. More importantly, there is no indication that it would be able to obtain the necessary funding to construct such a facility. I am not satisfied, therefore, that the loss of the objection

site as a potential location for a town stadium is of such weight as to warrant rejecting the site as a suitable location for housing.

#### *Capacity of Infrastructure*

- 7.53.40. There is no indication that there would be any problems in providing the necessary utilities nor is there any evidence that the site would be affected by flooding or drainage problems. Some of the counter-objectors contend that the development would put pressure on local schools. I have no doubt that the development of the objection site, together with those proposed at Buncefield Lane (H16) and Westwick Farm (H50), would be likely to significantly increase the demand for places at Leverstock Green JMI School. However, I note that the Education Authority would appear to be satisfied that the school could be expanded to accommodate this demand. Certainly, it would appear from what I saw of the site that there would be sufficient space to accommodate the necessary additional facilities. I am satisfied therefore that with the exception of the local road network, which I deal with below, the rest of the local infrastructure, would either have sufficient capacity or could be suitably expanded to accommodate the development.

#### *Traffic*

- 7.53.41. The Highway Authority originally accepted that 350 dwellings could be developed on this site without leading to increased congestion on the A414. However, it maintained that the construction of 500 dwellings would lead to an unacceptable increase in traffic levels. In the light of the detailed evidence submitted by the landowner the Council subsequently agreed that the higher level of traffic could be accommodated on the surrounding road network if improvements were made to the Maylands Avenue roundabout and other junctions. At least one of the counter-objectors argues that the traffic calculations are flawed and that there will be a much higher level of congestion than predicted.
- 7.53.42. At the time of the Inquiry Breakspear Way (A414) had an annual average weekday flow of approximately 48,000 vehicles to the east of Maylands Avenue and 37,000 to the west. It is apparent that there is already congestion occurring on the Leverstock Green arm of the Maylands Avenue roundabout during the AM peak hours. Similar problems occur on the eastbound carriageway of the A414 in the PM peak. The Breakspear Way junction with Maylands Avenue and the junction with Wood End Lane are also identified as hazardous sites by the Highway Authority with some 31 injury accidents having occurred at the former and 6 at the latter between 1996 and 1999. In these circumstances, I consider that the additional vehicles generated by the proposed housing development would have a significant impact on the free flow of traffic on the surrounding roads, regardless of whether 350 or 500 dwellings were constructed. The question, therefore, is whether this problem could be adequately addressed by improvements to the existing road infrastructure.
- 7.53.43. Before turning to look in more detail at the implications for the road network it is necessary to first establish the most appropriate method for assessing the level of additional traffic that would be produced. In doing so I have considered the various different approaches that have been adopted by the highway witnesses for English Partnerships, the Borough Council and Apsley Developments Ltd and the assumptions on which they have based their approaches.

- 7.53.44. The first area in which there appears to be disagreement relates to the appropriate trip rates, particularly in relation to the residential element of the development. Scott Wilson Kirkpatrick & Co Ltd (SWK), on behalf of English Partnerships, originally put forward an overall trip rate of 0.63 per dwelling for the AM and PM peaks. In contrast the County Council based its assessment on a trip rate of 0.95 in the AM peak and 0.94 in the PM peak. Michael A Jennings Associates (MAJA), on behalf of Apsley Developments Ltd, used a rate of 0.80 for the AM peak and 0.76 for the PM peak. They point out, however, that the Highways Agency uses rates of 1.00 for the AM peak and 0.83 for the PM peak. Clearly therefore there is a significant variation in the figures that have been suggested for the appropriate trip rates.
- 7.53.45. I have noted the arguments put forward by SWK that it is more appropriate to use average rates than the 85<sup>th</sup> percentile figure used by the County Council. However, I consider that the use of the latter is likely to provide a more robust basis for an assessment at the allocation stage as an average rate could be exceeded for up to 50% of the time. SWK also contends that as the County’s assessment was based on a selection of sites that consist of 75-100% privately housing at densities of between 22 to 31 dwellings per hectare its assumed trip rate is too high in relation to this site. It considers that it is more appropriate to select sites from the TRICS database that have a mixture of rented and private housing where 25-75% of the dwellings are private and the gross density is over 30 houses per hectare. In its view this would be more comparable with the situation at the objection site. On this basis the 85<sup>th</sup> percentile trip rate would be 0.85 for the AM peak and 0.82 for the PM peak.
- 7.53.46. I have no doubt based on the available evidence that the original trip rate put forward by SWK was too low. The amended 85<sup>th</sup> percentile rate would appear to be more consistent with the other rates put forward. However, I am concerned that it may still be lower than might actually occur, bearing in mind that some of the sites that have been included in the revised assessment had a higher element of rented housing than is likely to occur on the objection site. In my view therefore I consider that the County Council’s figures are likely to provide a more robust basis for assessing the impact of the development, particularly when one takes into account the trip rates used by the Highways Agency.
- 7.53.47. In respect of the other assumptions that have been made I accept that the proposed shopping facility is intended to serve local needs and would therefore be unlikely to generate significant additional traffic. However, it has to be borne in mind that there would be nothing to prevent the units being occupied by a retail facility serving a wider catchment. In these circumstances, I consider that it is reasonable to allow for the possibility of a small amount of traffic related to the retail use.
- 7.53.48. As for the redevelopment of the Lucas factory I appreciate that planning permission was not granted for the mix of uses proposed by Lucas Aerospace. However, since the site is identified in the Plan as a core office location I do not consider it unreasonable to assume that it would generate a similar or even greater level of traffic than that arising from the proposed B1/B2/B8 use. Overall therefore I am satisfied that the County Council’s figures provide a reasonably reliable basis from which to assess the possible traffic impact. However, I accept that using a base date of 2005 would be more appropriate than the 1998 date that the County originally used as this is the date the development, if it takes place, is likely to come on stream.

- 7.53.49. Looking at the impact on the individual parts of the road network, the County Council predicts that traffic levels on Maylands Avenue would increase in the AM peak by 6.7% on northbound carriageway north of the proposed access and by 15.6% on the southbound carriageway south of the access. A similar level of increase would be experienced on the opposite carriageways in the PM peak. If the allocation were increased to 500 dwellings the percentage increase would exceed 5% in 3 directions in the AM peak and all 4 in the PM peak with the highest increase being over 22%. This is clearly a significant level of increase. However, based on the evidence that was presented at the Inquiry I find no reason to believe that safe access could not be provided to the site from Maylands Avenue.
- 7.53.50. In respect of the Maylands Avenue/Wood End Lane junction, the County Council argues that vehicle numbers approaching this signal controlled junction would increase by 115 in the AM peak and 56 in the PM peak. However, it now considers that it would be possible to improve this junction to safely accommodate this increase. In the absence of any contrary evidence I find no reason to challenge this assertion.
- 7.53.51. I am rather more concerned about the operation of the junction with Breakspear Way. The revised ARCADY analysis undertaken by SWK suggests that by 2005 the RFC would exceed 1 on both the Leverstock Green Road and Breakspear Way arms in the AM peak with queues of 44 and 86 vehicles respectively. In the PM peak the Breakspear Way and Maylands Avenue arms would be the worse affected with queues of 63 and 76 vehicles. If the objection site were developed for 500 houses the queues would increase to 65 and 174 in the morning peak and 104 and 161 vehicles in the evening peak. However, if improvements are undertaken to the roundabout SWK argues that the level of queuing could be reduced to 36 and 13 vehicles in the AM peak and 21 to 28 vehicles in the PM peak. Only the Leverstock Green Road arm in the morning and the Maylands Avenue arm in the evening would exceed an RFC of 1.
- 7.53.52. The County Council’s figures in contrast indicate that the development would lead to queues of 94 and 237 vehicles on the worst affected arms in the AM peak and 123 and 263 vehicles in the PM peak if no improvement was undertaken. With the proposed improvement the queues would drop to 77 and 28 in the AM peak and 33 and 97 in the PM peak. Disconcertingly, although the capacity would only be exceeded on 1 arm in the AM peak it would be exceeded on 2 in the PM peak with the Breakspear Way arm being predicted as having an RFC of 1.017.
- 7.53.53. The MAJA analysis shows even higher figures although it is based on 350 dwellings rather than 500. Even after improvement it shows queues of 63 and 183 in the AM peak and 46 and 253 in the PM peak. Worryingly it indicates that queues on the Breakspear Way arm would increase with the development of the site even if improvements were undertaken to the junction.
- 7.53.54. Although the latter figures were derived using ARCADY 3, in my view this should not make a significant difference, as the changes introduced by subsequent versions are not relevant to large roundabout junctions. However, it would appear that the exact configuration of the improvements to the roundabout might not have been input into the programme. I am not satisfied therefore that the MAJA analysis is wholly reliable. However, I also have concerns about the accuracy of the County’s and SWK’s calculations. These appear to have been undertaken using the ODTAB option, which

the Transport Research Laboratory indicates is the least accurate method to use within ARCADY. I appreciate that there are also difficulties in using the more accurate DIRECT option where detailed survey information is not available. Nevertheless I consider that there is a danger that the ODTAB option may have produced a less accurate picture of the likely affect of the additional traffic. I am concerned therefore that the outcome could be worse than the County’s figures portray.

- 7.53.55. My concern is strengthened in this case by the fact that the ARCADY programme does not take full account all the variables involved. In particular it would appear to take no account of the impact of traffic using the slip lanes or more importantly of the effect on the operation of the junction of having an at grade crossing a short distance to the east of the junction. Since this crossing would form the main pedestrian link to the nearest school it is possible that significant use could be made of it during the AM peak hour. In my view this would have the potential to cause serious disruption to operation of the junction bearing in mind that its capacity on some arms would already be exceeded. If on the other hand future residents decided to drive their children to school rather than walk this could lead to higher traffic flows at the junction during the AM peak than the models predict.
- 7.53.56. Even with the improvement it is clear that there will be congestion at the junction based on the RFC values for the Leverstock Green and Maylands Avenue arms. If as I suspect traffic levels are higher then predicted the effective operation of the junction could be severely compromised. As the junction is situated on the main route to the motorway there could be serious implications for the flow of traffic along the A414. I am also concerned that the development could put greater pressure on the roundabout at Buncefield Lane. While the modelling would suggest that the situation would be better than it would be if no improvement were undertaken I am not satisfied that this is sufficient to conclude that the impact of the development would be acceptable. It is possible that with further improvement and no development that the RFC levels at the junction could be kept below 1 for a much longer period thereby avoiding congestion at this critical point in the local road network.
- 7.53.57. Overall I am not satisfied that it has been clearly established that the existing road network could satisfactorily accommodate the additional traffic that would be generated by the development of the objection site for housing. While in itself this would not warrant rejecting the site for housing, I find it reinforces my view that the site would be less suitable than the other sites originally proposed in the Plan.
- 7.53.58. In reaching this conclusion I have taken account of the fact that the provision of an at-grade crossing is only one of the options that could be considered. However, all parties appear to consider that the alternatives of a bridge or underpass are much less likely to be used by pedestrians. It seems to me therefore that they could have an even greater impact on the level of traffic generated by the site. I have also considered the traffic generated by a stadium or an employment use on the site but in my view both would be likely to generate a lower level of traffic during peak hours than housing would. In addition, I have had regard to the arguments about the impact on traffic levels that would arise from the construction of the northern relief road. However it is not clear that this would be in place by 2005. Even when it is constructed I am not satisfied that it would entirely resolve traffic congestion at the Maylands Avenue

roundabout. Finally I have noted the concern raised about the capacity of the dual carriageway but based on standards in TA79/99<sup>97</sup> it appears that this would not be exceeded. None of these matters, therefore, alter my view that the development of the site for housing could have a detrimental impact on the flow of traffic on the A414.

### *Residential amenity*

- 7.53.59. It is argued by some of the counter-objectors that the environment for future occupiers would be unacceptable due to the site’s proximity to the A414 and adjoining industrial development. I have no doubt that noise levels from the A414 would have a significant impact on the local environment. However, providing the housing was set back behind a wide landscape strip, which incorporated appropriate ground modelling, I am satisfied that the noise impact of the A414 could be sufficiently mitigated to ensure an acceptable quality of residential environment for future occupiers. As the Lucas site is identified as a core office location it seems likely that its redevelopment would predominantly involve B1 uses. In my view these would have little impact on the residential environment of the objection site. Even if B2 or B8 uses were subsequently to be approved on the adjoining land I consider that there would be sufficient scope to incorporate the necessary safeguards. I am not persuaded therefore that the development would result in an unacceptably poor standard of residential amenity for future occupiers.

### *Conclusions*

- 7.53.60. In conclusion, I find that the development of this site would not lead to either an unacceptable loss of recreational facilities or to a serious loss of open land. However, I am concerned that it would erode the supply of employment land and could reduce the scope to meet future employment needs. More importantly, its distance from the nearest school and other local facilities and the potential for increased traffic congestion on the A414 would, in my view, make it a highly unsustainable location for housing. I consider that this harm would not be outweighed by the consequential reduction in the amount of land that would have to be released from the Green Belt in order to meet the housing requirement. I am not satisfied, therefore, that the objection site would constitute a better housing location than the land adjoining the Manor Estate, Apsley or any of the other Green Belt housing sites that the Council proposes to remove from the Plan. Accordingly, I recommend that the land at Breakspear Way should not be included in the Schedule of Housing Proposal Sites and that PIC57 should not be proceeded with.
- 7.53.61. Although I have indicated that in my view this site should not be included in the Plan I deal briefly below with the issues of detail relating to Proposal H15A for the sake of completeness should the Council decide to ignore my recommendation.

### **(b) Capacity of the site**

- 7.53.62. The objector argues that the site could accommodate some 480 dwellings based on an illustrative sketch layout that has been prepared. Consequently, it is suggested that the net capacity of the site should be increased accordingly. The Borough Council accepts that the gross density for the site would fall below the range specified in PPG3.

<sup>97</sup> “Traffic Capacity of Urban Roads – Design Manual for Roads and Bridges” The Highways Agency (May 1999)

However, it argues that when the net developable area is calculated, in accordance with the guidance in Annex C, the net density would be 43.6 dwellings per hectare, which would be within the range stipulated in PPG3. It also contends that the proposed layout would be unacceptable in terms of the design and layout of the roads and dwellings. In addition there would be problems with the siting and quantity of the proposed parking spaces.

- 7.53.63. The level of parking provision would appear to accord with the advice in PPG3. However, I consider that the siting of large parking areas some distance from the dwellings and adjoining the A414 could lead to higher levels of car crime occurring on the site. I also have some concerns regarding the design and siting of the dwellings and the road layout. In particular for the latter to work it appears that it would be necessary to introduce raised platforms at junctions to reduce traffic speeds. Such features however are considered to be inappropriate on a through bus route. I can therefore understand some of the criticisms made by the Council.
- 7.53.64. While it is possible that some of these problems could be addressed through amendments to the design I am concerned that a capacity of 480 dwellings on the site would leave little flexibility for this to be achieved. I am not satisfied therefore that it would be appropriate to increase the capacity to 480 as sought by the objector. However, it is clear from the illustrative layout that the site could comfortably accommodate far more than the 350 dwellings specified in the Plan without an adverse affect. I have previously indicated that I consider that the Plan should stipulate the highest acceptable capacities for proposal sites in order to ensure that best use is made of the land. In the circumstances, I contend that the net capacity should be increased to reflect the number of dwellings that could actually be accommodated on the site. Based on the illustrative layout and the evidence from both sides I consider that a reasonable figure would be 450 dwellings. Accordingly, I recommend that if the site is retained in the Plan that the net capacity should be increased to 450 dwellings.

**(c) *Affordable housing***

- 7.53.65. The objectors maintain that a requirement for 50% of the units to be provided as affordable housing is unreasonable and does not accord with Government advice as set out in Circular 6/98. I have already identified in section 7.8 of my report that Circular 6/98 specifically encourages Council’s to set indicative targets for individual proposal sites. I have also established that there is a substantial need for affordable housing in the Borough, particularly in Hemel Hempstead. Although there are likely to be significant infrastructure costs involved with the development of the site I note that the assessment undertaken by Fordham Research Ltd (CD62 and 62A) considered that the provision of 50% affordable housing would still be viable. None of the evidence presented by the objectors has, in my view, established that this assessment was grossly inaccurate. In these circumstances, I do not consider it unreasonable for the Proposal to include a requirement for 50% affordable housing.
- 7.53.66. In reaching this conclusion I have noted the arguments that a requirement for this amount of affordable housing is unlikely to achieve a stable and well-balanced community. However, while I accept that PPG3 places considerable weight on creating mixed and inclusive communities I see no reason why this should not be achieved with a 50% affordable housing provision. In my view it should be possible on a site of this scale to provide a wide variety of types and sizes of affordable

housing. In addition, it should be possible for an element of shared ownership and/or discounted market housing to be introduced. I am not convinced therefore that the provision of 50% affordable housing would result in a polarised community.

7.53.67. I do accept, however, that the wording would suggest that it is a minimum requirement rather than an indicative target. I consider therefore that the word “around” should be inserted before the percentage figure to make clear that the final amount of affordable housing would be subject to negotiation taking into account the criteria in Policy 21. Accordingly, I recommend that if the site is included in the Plan, the Proposal should be modified by the insertion of the word “around” before “50%”.

**(d) Planning requirements**

7.53.68. Lucas Aerospace and English Partnerships raise a number of concerns about the requirements. The former maintains that the wording is too prescriptive particularly in respect of the provision of local community facilities. It also argues that as the playing field use is redundant and there is no lawful public access it is unreasonable to require replacement pitches. English Partnerships also question the extent of off-site contributions, particularly the requirement for an underpass to Leverstock Green Road. They also suggest that the compensatory provision should be provided in accordance with PPG17 and the requirement for a replacement site for the caravan site should be qualified to make clear that alternative provision will only be necessary if it is required.

7.53.69. In response the Borough Council accepts that while some contribution to improving library facilities would be necessary the scale of the contribution would not be so significant as to merit specific reference in the requirements. They therefore propose under FC49 to delete this reference and to amend the requirement relating to educational provision to make clear that it would be expected to be in the form of a financial contribution rather than on-site provision. They also propose under FC5 to delete the reference to an underpass and insert instead a requirement for a safe and accessible link across or under Breakspear Way.

7.53.70. It is clear that in view of its isolated location there will be a need for community facilities on the site. I do not consider therefore that it is unreasonable for this to be referred to in the requirements. Since neither the scale nor the exact nature of these facilities is specified I consider that the requirements are not unduly prescriptive in this regard. It is clear that improvements to library facilities in Leverstock Green are likely to be required. However, this may be the case in respect of other site but there is no similar requirement included anywhere else in the Housing Schedule. I consider, therefore it would make more sense to delete it as proposed. It would also be sensible to clarify the nature of the contribution towards educational provision. I, therefore, support FC49. However, I consider the wording would need to be changed to be consistent with similar requirements elsewhere in the schedule.

7.53.71. For the reasons I have already given I am satisfied that the requirement for compensatory provision of playing fields is entirely in accord with PPG17. I am satisfied that its inclusion is entirely appropriate. I see no need for specific reference to be made to national guidance, as this would clearly have to be taken into account. As it is possible that the Caravan Club might choose to move elsewhere rather than to

the Bedmond Road site if its current site is redeveloped I agree that the insertion of the words “if required” would be suitable.

7.53.72. Finally I consider that the insistence on an underpass would be unduly limiting, particularly as all parties appear to agree that it is likely to be less well used than an at-grade crossing. In my view the amended wording proposed by FC5 would introduce the necessary degree of flexibility. Accordingly, I recommend that if the site is included in the Housing Schedule the planning requirements should be modified in accordance with FC5 and FC49, subject to minor amendment to the wording, and by the insertion of the words “, if required,” after “provision for Caravan Club”.

**Recommendation**

7.53.73. **PIC57 and FCs 5 and 49 be not adopted.**

7.53.74. **If however the site is included in the Plan I recommend that Proposal H15A should be modified as follows:**

- (a) **increase net capacity to 450;**
- (b) **amend requirements in accordance with FC5;**
- (c) **revise requirements in accordance with FC49, subject to the wording being amended to be consistent with similar requirements elsewhere in the Schedule;**
- (d) **insert the words “,if required,” after the words “provision for Caravan Club”.**

**7.54. HOUSING: SUGGESTED NEW SITE,  
GAS BOARD LAND, HEMEL HEMPSTEAD**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
923	Ms Teresa Gates	2527	Mr B Moggs
2263	Mr Peter Cooper	4380	Mr S A Bremner
2284	Mr & Mrs Timberlake	4388	Mr G Biswell
2356	Ms Diana Lai	4396	Mrs V Biswell
2368	Mr J Selkirk	4418	Mr A Clarke

**Key Issue**

- (a) Should land at the Gas Board site and to the rear, London Road, Hemel Hempstead be allocated as a housing proposal site. (923, 2263, 2284, 2356, 2368, 2557, 4380, 4388, 4396, 4418)

**Inspector’s Conclusion**

7.54.1. In response to the Deposit Draft a number of objectors suggested that the employment site at the Gas Board site on London Road (TWA8) should be designated for housing in substitution for one or more of the greenfield housing sites proposed in the Plan. In

considering these and other objections to the Deposit Draft the Council came to the conclusion that TWA8 would be better used for housing and a park and ride site. It, therefore, proposed that the site be redefined as a housing site in Part 4 of the Plan under PIC 252 and included in the Schedule of Housing Proposal sites under PIC56. These changes would appear to largely address these objections.

7.54.2. In my view there is no overriding need for this land to be retained for employment purposes in order to maintain the economic sustainability of the Borough for the reasons I set out in Chapter 8 and section 17.24 of my report. As it constitutes a brownfield site and is located in close proximity to the town centre and railway station I consider that its redevelopment for housing would accord with the objectives of PPG3. Consequently I support the Council’s decision to redefine it as a housing site.

7.54.3. However, for the reasons I have already given in paragraphs 7.50.7 and 7.50.8 I am not persuaded there is sufficient need for a park and ride site in this location to justify retaining part of the site for this purpose. I therefore recommend that the whole of the land be allocated for housing. On this basis I consider that the site could accommodate at least 150 dwellings. I conclude therefore that the Plan should be modified in accordance with PIC56, subject to the net capacity being increased to 150 units. I deal with the issues of the detailed requirements pertaining to the site in section 17.24 of my report.

**Recommendation**

7.54.4. **The Plan be modified in accordance with PIC56 subject to the net capacity for TWA8 being increased to 150.**

**7.55. HOUSING: SUGGESTED NEW SITE  
LEVERSTOCK GREEN, HEMEL HEMPSTEAD**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
770	Mr T H Turton	3149	Mr & Mrs D H Morgan

**Key Issues**

- (a) Should land at the Horseshoe, Leverstock Green be used for housing. (770)
- (b) Would the field between Westwick Farm and Green Lane be a more appropriate location for housing than H50. (3149)

**Inspector’s Conclusions**

(a) ***Land at the Horseshoe, Leverstock Green***

7.55.1. The objector suggests that the Horseshoe Ground at Leverstock Green should be developed for housing instead of Proposal Site H16. He argues that it would be nearer

to public transport and other facilities and that all that would be lost is a cricket pitch that is only used during the summer. The Council argues that the land effectively forms the Green of Leverstock Green and makes an important contribution to the character of the village.

- 7.55.2. I accept that the Horseshoe Ground would be a far more accessible location than H16 in terms of its proximity to principal transport routes and local facilities. However, the retention of important areas of open land within towns is also an important sustainability consideration and accords with the objectives of national policy as set out in PPG17.
- 7.55.3. In this case the Horseshoe Ground not only provides a valuable recreational resource for residents of Leverstock Green but it also functions as a visual focal point within the centre of the village. In my view, it makes a significant contribution to the village ambience of the neighbourhood. Its development for housing would erode both the attractive nature of the area and the setting of important adjoining buildings like the church. I consider that this would seriously diminish the distinctive character of Leverstock Green. Consequently, I agree with the Council that its development would be contrary to the aims of Policies 7 and 110 of the Plan. I, therefore, recommend that no modification should be made to the Plan in response to objection 770.

**(b) Land between Westwick Farm and Green Lane**

- 7.55.4. These objectors suggest that the field that lies between Green Lane and Westwick Farm could be used for housing instead of the land at Westwick Farm (H50). I accept that development of this land as an alternative to H50 would limit the impact on Pancake Lane. However, this land is far more prominent within the landscape owing to the topography of the area. I consider, therefore, that housing development on this land would form a far more obtrusive feature. It would also undermine the Council’s strategy of maintaining a green wedge of land running into the centre of Leverstock Green, which I endorse. I do not consider that the benefits of retaining the livery stables at Westwick Farm are sufficient to override this strategy. I, therefore, recommend no modification should be made to the Plan in answer to objection 3149.

**Recommendation**

- 7.55.5. **No modification be made to the Plan in response to objections 770 and 3149.**

**7.56. HOUSING: SUGGESTED NEW SITE  
LAND BESIDE M1, HEMEL HEMPSTEAD**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
2028	K & C Woods	2993	Mr & Mrs D Brasier
2839	J A Moxon	3009	D J Atkinson
2992	Mr & Mrs D Brasier		

## Key Issue

- (a) Should land along the A4147 or adjacent the M1 motorway be developed in place of some of the housing sites proposed in the Plan. (2028, 2839, 2992, 2993, 3009)

## Inspector’s Conclusion

- 7.56.1. These objectors suggest a number of areas of land to the east of Hemel Hempstead as suitable alternatives for housing sites proposed in the Plan. However, all the sites that they seek to put forward lie within St. Albans City and District. Consequently, it is not open for them to be included as housing site within the Dacorum Borough Local Plan.
- 7.56.2. Even if it was open to me to consider them, I am not satisfied that they would be suitable locations for housing in view of their remoteness from most facilities. In this regard, I note that the EIP Panel rejected the Borough Council’s suggestion that this area would be a suitable location for strategic housing in order to meet the requirement for Dacorum. I, therefore, recommend that no modification should be made to the Plan in the light of these objections.

### Recommendation

- 7.56.3. **No modification be made to the Plan in response to these objections.**

## 7.57.HOUSING: SUGGESTED NEW SITE MARCHMONT FARM, HEMEL HEMPSTEAD

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
2077	Mr M Cambell	3001	Mr & Mrs B J Edwards
2519	Mrs E Coase	4142	A J Patterson
2766	I D Cutler		

## Key Issue

- (a) Would Marchmont Farm be a better site for residential development than West Hemel Hempstead. (2077, 2519, 2766, 3001, 4142)

## Inspector’s Conclusion

- 7.57.1. A number of objectors suggest that land at Marchmont Farm to the west of Grovehill would be a far better site for residential development than West Hemel Hempstead. They point out that the land is mainly used for car boot sales. The Council accepts that the land is not productive in agricultural terms but do not consider that this is a reason for developing it. In its view it would lead to coalescence between Hemel Hempstead and Piccotts End, which would have a damaging impact on that settlement’s Conservation Area status. It argues that it would from a prominent visual intrusion in a designated Landscape Conservation Area. It contends that it would have a sustainability score of 0 and as such would not be better than any of the sites proposed in the Plan.

- 7.57.2. Although the Council argues that development of this site would lead to coalescence with Piccotts End I do not accept this would necessarily be the case. The area is separated from Piccotts End by a noticeable ridge in the topography. There is therefore little visual interconnection between the areas. Providing any housing was sited to the east of this ridge I do not consider that it would result in a visual or physical coalescence with Piccotts End.
- 7.57.3. I appreciate that it would result in an encroachment into the countryside but this is true for virtually all the peripheral greenfield sites proposed in the Plan. In my view development at Marchmont Farm would not result in unrestricted sprawl of Hemel Hempstead or lead to neighbouring towns merging. Providing a reasonable gap was maintained between the new housing and Piccotts End I do not consider that it would effect the setting or special character of that settlement. I judge therefore that development of housing in this location would have a limited impact on the purposes of the Green Belt.
- 7.57.4. Although there are footpaths in the area unlike the situation at West Hemel Hempstead these lead out into open countryside. I do not consider therefore development of this land would significantly diminish the opportunities for access to the open countryside nor would it have any impact on the opportunities for outdoor sport. Indeed if the area of Grovehill Park were to be extended as part of the development it could enhance sporting opportunities. I appreciate that it falls within a Landscape Conservation Area. However, in my view the adjacent housing area at Grovehill visually dominates it. I am not satisfied therefore that this part of the area is of substantial importance to the wider landscape character of the Gade valley. Clearly it would not result in an improvement in derelict or damaged land but neither would it damage any nature conservation interest. The Council also concedes that it is not agriculturally productive. In these circumstances, I am satisfied it would not have an undue impact on Green Belt objectives.
- 7.57.5. I appreciate that there are no strong landscape features that would provide a clear defensible boundary. However, this is the case in a number of locations suggested by the Council. While it is always preferable to use well defined landscape features I do not consider that by itself this should rule out an area being considered for housing since this problem could be addressed over time by the introduction of a substantial landscape buffer.
- 7.57.6. Turning to the sustainability of the site I accept that it would be more than 1000 metres from a railway station but this is true for most of the greenfield sites on the periphery of Hemel Hempstead which are proposed in the Plan for housing. It is clear that it would be within 400 metres of a bus stop on the 4/5 route, which provides a half hourly service from Grovehill West on weekdays, Saturdays and during the day on Sundays and a hourly service on Sunday evenings. It would therefore be very well served by public transport. Moreover development of this site could possible provide an opportunity for the route to be extended through the site to Link Road, which would avoid the need for the service to retrace the same route as it does at present.
- 7.57.7. The site is within 2 kilometres of the Swallowdale General Employment Area and within 800 metres of the Grovehill Local centre, which not only provides a reasonable wide range of local shops but also would appear to have a reasonable range of local

health facilities and other services. In addition, it would be possible to access the centre by a largely car free footpath, although this would probably need to be lit to provide adequate safety for pedestrians. The site would also be close to shopping facilities in the Old Town and be reasonably well located in terms of access to shops in the town centre or the superstore at Woodhall Farm.

- 7.57.8. Although the Council argue that the site would be more than 800 metres from Aycliffe JMI I do not accept this. Even if it was more than 800 metres it seems to me that the distance could be significantly shortened if the school were to create a side gate and a linking footpath was provided across Grovehill Park. Moreover both this route and the route through Hunting Gate Wood mentioned by the Council have the distinct advantage of being traffic free, which would provide a much safer journey to school for children than many of the other housing sites proposed in the Plan.
- 7.57.9. I appreciate that it would have some impact on the landscape but this could be reduced over time by the provision of a new landscape buffer. Provided any housing was kept to the east of the ridge I am satisfied that it would not have any impact on the Piccotts End Conservation Area or the Area of Archaeological Significance. I see no reason why the site should not provide a good residential environment. Since the land is seen from most viewpoints against the backdrop of the housing in Grovehill West, which forms a very prominent feature on the skyline, I am not persuaded that it would have a substantial visual impact. Indeed careful design and landscaping of any new development could help to soften the stark appearance of the existing development at Grovehill West. Similarly in my view careful attention to the scale and siting of any development could help to round off the urban form in this location.
- 7.57.10. I acknowledge the Council’s comments about the development cutting off the green wedge to the park but as the western park boundary is heavily wooded I find it does not form an important visual extension of the adjoining open countryside. In any case there is no reason why consideration could not be given to extending the park into the new housing area to provide the necessary recreational facilities for the new residents.
- 7.57.11. I note the suggestion that the site has infrastructure problems because there is no direct access to Link Road. However, I can see no reason why one could not be provided. Moreover, I note that West Hemel Hempstead currently has no direct access to the adjoining road network and yet it still scores a tick in respect of its relationship to existing infrastructure. Overall therefore I consider that the site would be a sustainable location for housing and in many respects would be a better site than those proposed at West Hemel Hempstead. I also consider that it would be far more in accord with the Plan’s strategy of extending existing communities than the proposal to develop land at Breakspear Way (H15A), which would be far more isolated from local facilities.
- 7.57.12. English Partnerships, who own some 17 hectares of land in this location, did not formally object to the site’s omission from the Plan. However, it is clear from their earlier letter (*LPA Doc. No. 355 DBC/1/A*) that they considered it to be as well located for housing as other areas identified in the Plan. I judge, therefore, that there is a realistic prospect of this site coming forward if it were to be allocated for housing.
- 7.57.13. In the circumstances, and in the light of my findings in section 7.4, I believe that the Council should seriously consider allocating additional land for housing at Marchmont Farm. It would be sensible, in my view, for this site to be included in Part II of the





**FIGURE 11**

SCALE : 1:10,000



**SUGGESTED ALTERNATIVE HOUSING SITE AT  
MARCHMONT FARM**

Housing Schedule. Not only would this accord with the advice in PPG3 but it would also allow sufficient lead in time for any development to be properly planned. This should ensure that it could be implemented in full before 2011. I would suggest that the site area should be along the lines shown in Figure 11 and the net capacity should be around 285 dwellings. The planning requirements will need to include provision of additional open space, extension of the existing bus route, provision of access to Link Road and an appropriate percentage of affordable housing. I leave it to the Council to decide the exact wording of the requirements.

**Recommendation**

- 7.57.15. **The Council seriously considers including an additional housing site in Part II of the Schedule of Housing Proposal Sites, with a net capacity of 285 dwellings, at Marchmont Farm, Hemel Hempstead in accordance with Figure 11.**
- 7.57.16. **If the Council should decide to include the additional housing site I would recommend that the Plan also be modified to make the appropriate amendment to the Green Belt boundary.**

**7.58.HOUSING: SUGGESTED NEW SITE: PLOUGH SITE, HEMEL HEMPSTEAD**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
2559	Mr B Moggs	4925L	Mrs A Evans
2702	Mr S J Wilson		

**Key Issues**

- (a) Should land adjoining the Plough Roundabout, Hemel Hempstead be identified as a new housing proposal site. (2559, 2702)
- (b) Would the Plan’s housing strategy be more appropriate if it allocated part of the Marlowes shopping area. (4925L)

**Inspector’s Conclusions**

**(a) *The Plough site***

7.58.1. This site, which is located at the southern end of the Marlowes, is bounded by Moor End Road/Selden Hill and Leighton Buzzard Road/St. Albans Road. It was formerly occupied by the offices of BP and the Wagon and Horses Public house but these were demolished in 1989. Since that time the land has been vacant although planning permission has been given for both office development and a retail park. In view of the lack of progress with this key gateway site the Council acquired the land in August 1999 and is now progressing its redevelopment with a development partner. The Plan currently identifies the site for a mixed-use development of mainly shops and offices under the provisions of Proposal S3.in the Shopping Chapter of the Plan

- 7.58.2. The objectors consider that the land should be allocated for housing arguing that it would make an ideal location for housing for the elderly or single people. The Council accepts that residential use of the site would be acceptable but considers that a single use development would not make the most effective use of the land and would contribute less to sustaining the overall vitality and viability of the town centre. In its view a mixed use development is essential if the town centre is to successfully compete with surrounding centres. It will also form an important element in meeting the potential growth in future comparison shopping floorspace.
- 7.58.3. The Retail Capacity study undertaken by Donaldsons<sup>98</sup> indicates that there would be a requirement for an additional 11,544 square metres to 20,206 square metres of comparison retail floorspace within the main centres in the period up until 2011. The Council considers that the lower limit of this range is more likely to be appropriate. In addition in view of the difficulties of forecasting retail demand over longer time periods it suggests in CD60 that a shorter time horizon to 2006 should be used to provide a more reliable figure. It therefore considers that some 8,500 square metres of additional retail floorspace are likely to be required in the period up to 2006.
- 7.58.4. I have no doubt that this site would be a highly sustainable location for housing in view of its close proximity to the town centre and main transport routes. However, I agree with the Council that it forms a key gateway to the town centre. Its future development will therefore be critical, in my view, to maintaining the vitality and viability of the town centre. Although it appeared relatively buoyant at the time of the Inquiry it is clear that its role in the shopping hierarchy continues to be under pressure from higher order centres like Watford. I accept, therefore, that the allocation of some of the site for shops, in order to extend the range and quality of retail provision, is likely to be important to the future health of the centre and its status.
- 7.58.5. In the light of Donaldsons conclusions regarding the potential for future growth in comparison shopping floorspace in existing centres in the Borough I consider that there is a realistic prospect that the additional space would be taken up. The inclusion of an office element in any redevelopment would in my view be likely to enhance the viability of the redevelopment and of the town centre overall. I consider, therefore, that a mixed use scheme for this site would be appropriate. In my view such an approach accords with the objectives of national policy.
- 7.58.6. Limiting the site solely to housing would, in my opinion, unduly constrain the scope for the centre’s future expansion and enhancement. I do not consider, therefore, that it would be appropriate for the site to be allocated solely for housing. Consequently, I recommend that no modification should be made to the Plan in response to these objections.
- 7.58.7. In reaching this conclusion, I have taken account of the Council’s apparent willingness to see an element of housing included as part of the overall redevelopment of the site. However, I note that Shopping Proposal S3 makes no mention of the possibility of housing forming part of a mixed use scheme. In my view this is an oversight. I consider that the Plan would be better if the planning requirements for S3 made clear that an element of housing should form part of the overall scheme. I recommend that the Plan should be modified accordingly.

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<sup>98</sup> Donaldsons: Retail Capacity Study of Dacorum Borough Council Area – March 2000 (CD77)

**(b) Housing within the Marlowes shopping area**

- 7.58.8. Mrs Evans argues that a part of the Marlowes shopping area should be earmarked for housing as in her view it is clearly too large for the town. The Council considers that such an approach is unrealistic given the low level of vacant or underused sites and the potential damage to the town’s retail function.
- 7.58.9. Although I have no doubt that the provision of some housing in the town centre would accord with national policy as set out in PPG6, I agree with the Council that there appears to be a generally low level of existing vacancies or underused premises in the core shopping area. Moreover, I accept that the introduction of housing into existing shopping parades at ground floor level could undermine the retail function of the centre. I do not consider, therefore that it would be appropriate for a specific part of the shopping area to be identified for housing within the Plan.
- 7.58.10. However, the provision of housing above existing shops may be a sensible use of underused space in some cases. Although Policy 38 allows for a broad range of uses in town centres I consider that it would be useful for the Hemel Hempstead Town Centre Strategy in Part 4 of the Plan to be amended to highlight the possibility of vacant space above shops being used for housing. I recommend that the Plan should be modified accordingly in response to objection 4925L.

**Recommendation**

7.58.11. **The Plan be modified as follows:-**

- (a) amend Proposal S3 to make clear that an element of housing will be expected to form part of the mixed use scheme for the Plough site;**
- (b) revise the Hemel Hempstead Town Centre Strategy in Part 4 of the Plan to include a reference to the possibility of using vacant space above shops for housing.**

**7.59. HOUSING: SUGGESTED NEW SITE: SHENDISH, HEMEL HEMPSTEAD**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
968	S Di-Castri	3013	Jacqueline Sawyer
1286	CPRE - The Hertfordshire Society	4141	A J Patterson
2076	Mr M Cambell	4651*	Mr C J Baughan
2558	Mr B Moggs	4830	The Directors of Shendish Manor Estate
3002	Mr & Mrs B J Edwards		

**Key Issues**

- (a) Would land at Shendish, Hemel Hempstead be a more appropriate location for new housing. (968, 1286, 2076, 2558, 3002, 3013, 4141, 4651, 4830)

## Inspector’s Conclusion

7.59.1. The Directors of Shendish Manor Estate and a number of other objectors suggest that land at Shendish would be a more sustainable location for new housing than other greenfield housing sites put forward in the Plan. I have already addressed the Green Belt implications of the release of this land in section 4.34 of my report and have dealt with the arguments relating to the sustainability and availability of the other housing sites when considering the objections to the individual proposal sites earlier in this chapter. I have also concluded in section 7.4 that there would be no need for significant additional greenfield land to be allocated for housing in order to meet the Structure Plan requirement. I, therefore, propose at this point in my report to focus on the other issues relating to the suitability of the objection site for housing. These include sustainability considerations, precedent, visual impact, the effect on the setting of Shendish Manor, recreational impact, the capacity of the existing infrastructure, access and traffic issues and the additional proposed benefits of the development.

### *Sustainability considerations*

7.59.2. The site, which covers some 14.16 hectares of land on the lower slope of the southern side of the Gade valley, lies directly adjacent to the main railway line and a new footbridge is proposed as part of the scheme that would link the site to Apsley Station. All of the proposed housing would therefore be within 500 metres of a station, which is far closer than any of the housing sites that are proposed in the Plan would be. However, while this would no doubt be a benefit for future occupiers I am not satisfied that it would necessarily lead to lower car usage. More importantly, it is unlikely in my view to reduce the need to travel in accordance with the aims of PPG13, since it may well attract people who are looking to move out of London.

7.59.3. Most of the site would also be within 400 m of bus stops on the London Road, which would meet the Highway Authority standard. Moreover, it is proposed as part of the development to provide a half-hourly service to the site. In addition, it has been suggested that if the land between the site and the Manor Estate (Maxted Field) was also developed a link route could be provided serving both the objection site and the Manor Estate. I accept that it would also be possible to link the site to existing footpath and cycleway networks. I am satisfied, therefore, that the development would be accessible by a wide range of transport modes, including public transport.

7.59.4. Turning to the relationship with existing facilities, I note that it is within some 160 metres of Two Waters JMI School at its closest point. Judging from the illustrative plans it would appear that virtually all the houses on the site would be within 800 metres of the school, assuming a direct footpath link could be provided across the intervening land. Without such a footpath link however houses at the eastern end of the site would be beyond a reasonable walking distance to the school.

7.59.5. The nearest point of the site is within 250 metres of the Sainsbury’s superstore on the Apsley Mill Retail Park and the furthest point would be around 800 metres. It would be further, however, from the local centre at Apsley being around 400 metres at the closest point and some 1000 metres at the furthest point. It would therefore, be further from a range of retail facilities than the adjacent sites at the Manor Estate. However, when one also takes into account the difference in levels in respect of the latter I accept that the land at Shendish would be comparable, if not better, in terms of its

accessibility to local facilities. In addition, it would be noticeably better than the land at North East Hemel Hempstead and slightly better than the sites at West Hemel Hempstead and Breakspear Way.

- 7.59.6. In considering this point I have taken into account the suggestion that some shopping facilities could be provided on site. However, I would question whether such facilities would be viable in this location, even if they were also patronised by commuters using Apsley Station, bearing in mind that they would be isolated from existing communities to the north by the railway.
- 7.59.7. I am rather more concerned about local health facilities. Although the site would be in reasonable proximity to a dental practice, it appears that the nearest doctor’s surgery would be some 1700 metres from the centre of the site at Bennetts End. I consider, therefore, that the site would have a relatively poor level of access to health facilities. However, in this respect it would not appear to be significantly worse than some of the housing sites proposed by the Council (e.g. H50).
- 7.59.8. As for access to the town centre I note both the findings of the objector’s congestion report and the County Council’s conclusions. As there appear to have been differences in the distances used to calculate the travelling times it is not possible in my view to compare these findings directly. However, even on the basis of the objector’s times I am not satisfied that the differences in travelling time are of such significance as to place the land at Shendish notably above the other sites proposed in the Plan in terms of its relationship to the town centre.
- 7.59.9. The site would be within reasonable proximity to the existing employment areas at the Doolittle Business Park. In this regard I accept that it would be much better related than the sites at West Hemel Hempstead. However, the range of employment opportunities within reasonable walking distance would not be as high as for some of the proposed sites, notably Breakspear Way and North East Hemel Hempstead.
- 7.59.10. Overall, I accept that the site’s scores highly in terms of its accessibility. However, this is not the only measure of a site’s sustainability. While it would meet a number of the other criteria that were used by the Council to assess the sustainability of housing sites, there are some aspects which I consider weigh against the site. In particular I find that it would not only have a very significant effect on the Green Belt, for the reasons I set out in section 4.34, but it would also have a damaging impact on the character of the Gade valley and on the setting of Shendish Manor. I consider that these are sufficiently compelling to outweigh its advantages in terms of its accessibility. I am not satisfied, therefore, that overall the site would be more sustainable than those proposed for inclusion in the Plan.

***Precedent***

- 7.59.11. The Borough Council points out that the railway line marked the limit of the New Town. In its view it establishes a clear southern boundary for the built-up area. It considers that development on this site would establish a precedent for the town to spread along the southern side of the Gade Valley.
- 7.59.12. Although the town is largely to the north of the railway line there are small pockets of development south of this line at Felden and the Manor Estate. Moreover, the Deposit

Draft originally proposed additional development adjoining the latter area although the Council now proposes to delete these sites. The development at Felden is largely set within a subsidiary valley and is not prominent within the wider landscape of the Gade/Bulbourne Valleys. The Manor Estate is a more significant feature on the valley side. Nevertheless, as it is set within a natural bowl in the landscape it appears relatively contained.

- 7.59.13. Development on the objection site would in contrast result in a substantial expansion of the built-up area along the southern valley side. Although the eastern boundary is marked by the drive to Shendish Manor I consider that this is a relatively weak landscape feature when compared to the much wider band of vegetation adjoining the boundary with the land at the Manor Estate. More importantly there is no existing boundary to the south. I am concerned, therefore, that development of the objection site could make it more difficult for the Council to resist pressure for further development on the southern valley slopes after 2011 when more land may be required for housing. My view is strengthened by the fact that the Manor Estate already spreads higher up the slope than the objection site. This adds to my overall concerns about the allocation of this site for housing.

*Visual impact and effect on the countryside*

- 7.59.14. Although the site would be contained within the Gade Valley and development would be restricted to the lower slopes the proposed housing would still be highly visible from a number of viewpoints within the town. Indeed, as it would spread for almost 700 metres along the valley side towards Rucklers Lane, I consider that it would form a very prominent extension of the built-up area. The impact would be increased still further if the adjoining land at Maxted field were developed at the same time, as has been suggested by a number of objectors. However, if the latter area was retained as open land I consider that this would merely serve to accentuate the isolated intrusion that would result from the development of the objection site on its own.
- 7.59.15. I appreciate that the land has the appearance of semi formal parkland that distinguishes it from the adjoining agricultural countryside to the east. However, I am not satisfied that this reduces its visual importance to the overall setting of the town. In fact, in my opinion, the variety it provides actually enhances the overall attractiveness of the landscape on the southern valley slopes. I conclude, therefore, that development of the objection site would cause significant harm to the countryside setting of Hemel Hempstead and would detract from the pleasant outlook from the existing neighbourhoods on the northern side of the valley.

*Effect on the setting of Shendish Manor*

- 7.59.16. Shendish Manor is a Grade II listed building set in a parkland style landscape. Designed by John Griffith for Charles Longman, who was a partner of John Dickinson, the house was built between 1854-6. At the same time the surrounding fields were landscaped by Edward Kemp to provide gardens and a home pasture on the southern and eastern sides of the house. Beyond this field boundaries were changed but many of the pre-existing features were left intact and supplemented by new planting particularly along the railway. A new footpath was created through Hens Head Wood to St.Mary’s Church and an existing footpath diverted.

- 7.59.17. Subsequent changes to the house and grounds, including the insertion of a bowling green in front of the house in 1936 and the conversion of the surrounding land to a golf course, have had some impact on the landscape. However, in my view this has not resulted in a material deterioration in its overall quality. Neither have the changes significantly affected the setting of the Manor.
- 7.59.18. The objectors argue that development of the lower valley slopes would have no material impact on the setting of the Manor as the objection site lies outside the formal setting of the home pasture that surrounds the house. The development would not be visible from within the house or its gardens. Views of the development from the drive would be limited and the house would not be seen from any viewpoint within the same vista as the proposed development.
- 7.59.19. I accept that the established planting around the house means that there is no longer a direct view of it across the valley. It would, therefore, not be possible to see both the house and the development from either Bennetts End or adjoining areas within the town. However, it would be possible to see the landscaping around the house including the mature planting in the home pasture from these viewpoints. It would also be possible to see the development from the upper slopes including from some points within the home pasture. The development would also be visible from a number of viewpoints along the drive to the Manor and from the footpaths that cross the slope, especially during the winter months. It is clear, therefore, that the development would be seen within the context of the historic landscape of the estate.
- 7.59.20. While the fields on the lower slopes were never intended to form part of the more secluded area around the house, it is apparent that their original boundaries were remodelled to create a wider parkland setting for the mansion. Additional planting was also undertaken to visually separate this parkland from the railway and the industrial development along the valley floor. In addition, the parkland would have formed an important backdrop to the approach to the house up the long drive from Apsley and to the footpath linking the Manor to St. Mary's Church in Apsley, which was also built by Longman. It is reasonable to assume that the latter would have been used regularly by the family and their guests to attend church services. I am satisfied, therefore, that the lower slopes did form an integral part of the historic landscape setting of Shendish Manor
- 7.59.21. Although the development would have little direct impact on the Manor or its immediate gardens it is clear that it would have a significant impact on the wider parkland. Not only would the development result in a substantial reduction in its total area but it would also have an impact on the outlook from the home pasture and the approach drive. I acknowledge that these views would be screened in time by the proposed new planting. However, this would take some time to establish. More importantly, it is clear from Kemp's writings and illustrations that the vistas out through the clumps of trees around the house to the wider parkland beyond were intended to form an important part of his design for the estate. I consider the foreshortening of these views and the enclosure of both the lower drive and a substantial portion of the footpath to St. Mary's Church would significantly detract from the historic setting of Shendish Manor.
- 7.59.22. I appreciate that neither the gardens nor parkland are included on the Register of Parks and Gardens of Special Historic Interest. However, I do not consider that this

diminishes their importance to the setting of Shendish Manor. There is no evidence that the development is required in order to enable restoration of the listed building. Indeed permission has previously been given on these grounds for 8 dwellings in the walled gardens as well as for extensions and alterations to the house for use as a hotel. Consequently, I find the substantial impact the development would have on the setting of Shendish Manor constitutes a further compelling reason to conclude that this site would be unsuitable for housing.

- 7.59.23. In reaching this conclusion I have noted the Directors of Shendish Manor Estate’s suggestion that the development area would follow a historic boundary within the parkland. However, while I accept that the 1873 ordnance survey map indicates that some of the trees from the original field boundaries may have been retained along the eastern part of the proposed development boundary further west the field boundaries appear to have been completely removed. I am not satisfied, therefore, that the proposed development boundary marks a significant historical or visual divide within the parkland.

***Recreational impact***

- 7.59.24. Although the proposal would involve the loss of part of the golf course, planning permission has already been granted for the holes to be replaced elsewhere on the estate. Consequently, the proposal would not lead to an unacceptable loss of an existing recreational facility. I am more concerned however about the impact the development would have on the footpaths in the area. The new housing would enclose a substantial part of FP18, which runs from the church up the lower slope to join FP17. A small part of FP17 would also be affected where it crosses the south west corner of the site. In my view, this would significantly diminish their value as a recreational route for walkers.

***Capacity of existing infrastructure***

- 7.59.25. There is no evidence of any problem in respect of the provision of the necessary utilities. Neither is there any indication that the development would place an unacceptable strain on the existing facilities within the Apsley Local Centre. However, concerns have been expressed about the capacity of the local school and the surrounding road network. I deal with the latter matter separately below. I shall therefore consider the arguments regarding the impact on the local school at this point.
- 7.59.26. It would appear that Two Waters JMI School, which is currently a one-form entry school, is close to capacity. The Education Authority therefore expresses concern about further development on the objection site. It argues that further expansion of the school while not impossible would be difficult to achieve owing to the nature of the site. It is also concerned that as the school has only recently settled down after earlier changes further expansion would be disruptive in educational terms.
- 7.59.27. The development of the objection site together with land at the Manor Estate would generate some 117 additional pupils. This together with other developments proposed in the catchment area would apparently be sufficient to support the size of the school being increased to a 2-form entry. I appreciate that as the school is built on a steeply sloping site this limits the options for further development. However, although the required expansion may be more costly for this reason I am not satisfied that it would

be impossible. While it may necessitate building on the existing football field, which is clearly well used by the school, it seems probable that this facility could be resited on other land nearby. I appreciate that the substantial work involved would be likely to result in significant short-term disruption for the school. However, I am not persuaded that the problems would be sufficient, in themselves, to rule out such expansion were the objection site considered to be suitable in all other respects.

*Access and traffic*

- 7.59.28. The County Council maintains that the development, which would include some 300 dwellings, a crèche, a station car park for 150 vehicles, some shops and a theatre, would be likely to generate some 442 trips during the AM peak and slightly less in the PM peak. When the existing traffic from the estate and from the proposed hotel are also taken into account it believes that the overall level of traffic generated in the AM peak would be equivalent to 572 houses. It points out that both Design Bulletin 32 (CD104) and “Roads in Hertfordshire – A Design Guide” (CD107) indicate that it is inappropriate for developments of more than 300 dwellings to be served off a single access as is proposed in this case.
- 7.59.29. It also contends that the proposed access would be unsuitable owing to the width and alignment of the existing bridge, the presence of garages that open onto the drive, the gradient on the approach to the A42451 and the design of the junction with the London Road. In its view, the necessary improvements would require third party land, which could not be guaranteed to be available. It is also argued that the traffic levels would be likely to lead to congestion on the London Road, particularly at the proposed access but also at the Doolittle Meadows roundabout. In addition, the Borough Council is concerned that the additional traffic would have an unacceptable environmental effect on London Road.
- 7.59.30. The Directors of Shendish Manor Estate argue that the County Council’s trip rate of 0.95 per dwelling in the peak hour is unreasonably high and that a figure of 0.61 per dwelling would be more appropriate. In addition it is suggested that the County Council has over-estimated the number of trips that are likely to be generated by other elements of the development, particularly the crèche and the shops. The development is more likely therefore to generate 399 trips in peak hours. On this basis the proposed access would be sufficient, subject to a secondary access being provided for emergency vehicles via Rucklers Lane.
- 7.59.31. Even if it was not it could be upgraded to the required standard, including the provision of a new bridge, within a reasonable period. The use of the existing garages along the drive has ceased and the problems of the mini-roundabout could be overcome by providing a traffic light controlled junction instead. The Doolittle Meadows roundabout would continue to operate within its capacity and the additional traffic would not result in unacceptable congestion on London Road even taking into account maximum growth.
- 7.59.32. I note the arguments regarding appropriate trip rates and accept that the County’s figure may be on the high side but I consider that it is more appropriate at this stage to err on the side of caution and adopt a robust approach. The objector’s rate appears to be based primarily on one other site in Hemel Hempstead rather than a comparison of various sites. It would also seem to rely on a higher than average modal split. While it

is possible that the site’s proximity to a station may result in a lower level of traffic generation, I am not satisfied that there is sufficient certainty of this to warrant the use of the lower rate put forward by the objector.

- 7.59.33. In reaching this conclusion I have noted the argument that the County Council accepted this lower rate for the John Dickinson site. However, it is far from clear whether in fact this was the case. Even if they did I am not satisfied that this would necessarily mean that it was the appropriate rate to use for all other large scale housing developments within Hemel Hempstead. I also consider that the County is right to assume that the crèche and shops would generate a small amount of additional traffic. In my view there is a strong probability that the former facility would attract people who neither lived on the new estate nor used Apsley Station to commute, particularly if it built up a good reputation.
- 7.59.34. It is apparent that the overall package of development proposed would lead to a far higher level of traffic than envisaged under the Highway Authority’s standard for the maximum size of residential development that it would be appropriate to serve via a single access point. I am concerned, therefore, that the proposed access could give rise to significant problems. The provision of a secondary access for emergency vehicles would lessen the problem but it would not address the difficulties that would arise for future occupiers if the main access became blocked. Moreover, the proposed alternative route for emergency vehicles would not only, in my view, be somewhat circuitous, it could also lead to increased conflict with pedestrians since it would follow the route of FP19. I am not satisfied, therefore, that serving the development from a single access point would be acceptable in this case, even if a secondary access were provided for emergency vehicles.
- 7.59.35. These problems could however be addressed by providing an additional access through the Manor Estate to the west. This would have the added advantage of providing the opportunity to provide a circular bus route. Based on the evidence I heard in respect of both this site and the land adjoining the Manor Estate, I am satisfied that there is a realistic prospect that such a solution could be achieved within the lifetime of the Plan. I consider therefore that the problems posed by the provision of a single access would be capable of resolution.
- 7.59.36. With regard to the standard of the access road, I agree that the width and alignment of the existing bridge would be sub-standard. In view of the amount of traffic that would be likely to use the access road I do not consider that traffic light controls on the bridge would be a sensible option, particularly as the road also would provide access to the proposed station car park. I am not satisfied that the speed calming benefits of using it as a gateway to the estate would outweigh the inconvenience it would cause to drivers. However, while I accept that there is limited space to achieve the necessary improvement I find no reason to conclude that it could not be brought up to an acceptable standard by remodelling or replacing the bridge and/or the approach roads, although such works are likely to be expensive.
- 7.59.37. I have much greater concerns regarding the junction with the London Road. Although the objector has terminated access to the adjoining garages once it becomes a public road it would be difficult to prevent their subsequent reuse. More importantly, I consider that even with the stop line being set well back the current gradient could lead to difficulties with the safe operation of the junction. Judging from what I saw on site

it could prove difficult to achieve the necessary regrading to overcome this problem. While I accept that the use of a traffic light controlled junction would overcome some of the difficulties a mini-roundabout would cause, there is some doubt in my mind as to whether sufficient land could be readily acquired to achieve this improvement. I also have reservations about restricting outward movements to left turns only since this is likely to lead to more U-turning movements at the Doolittle Meadows roundabout.

7.59.38. I am also concerned about the impact of the operation of this junction on traffic flows on London Road. Even based on the objector’s lower trip rate I note that the RFC on the southern arm in the AM peak would reach 0.935 by 2015, which is well above the optimum figure. If as I expect the level of traffic generated were closer to the County Council’s predicted rate than it seems likely that the capacity of the junction would be exceeded. While the situation would not be quite as bad at the Doolittle Meadow junction it too would probably be at or close to its capacity by 2015.

7.59.39. I also note that even based on the objector’s trip rate it is predicted that traffic levels along London Road would rise to a similar level to those that existed before the construction of the A41. While this would still be within the road’s theoretical capacity, I am concerned that the increased congestion could have a harmful environmental impact on the residential areas close to this road. In addition, there is a danger that with increasing congestion on London Road some traffic may divert onto Belswains Lane, which could have an even more serious impact on environmental quality as it runs through a predominantly residential area. I appreciate that much of the increase will arise from the predicted national growth in traffic levels. However, the development of the Shendish site when considered in conjunction with developments at the John Dickinson site, the Manor Estate and the Gas Board site would undoubtedly make a significant contribution to the increase on London Road.

7.59.40. In the circumstances, while I consider that none of the highway considerations would be sufficient in their own right to have completely ruled out Shendish as a potential housing site I find they add to my overall concerns about the suitability of the site. This reinforces my view that the site would not be preferable location to any of the sites proposed in the Plan.

#### ***Proposed benefits***

7.59.41. As part of the development package the landowner proposes to include a new station car park, shops, a crèche and a theatre, which it is argued would bring benefits to the local population. Although increasing the size of the station car park may have some advantages there is no indication that there is a significant unmet demand for parking at Apsley, possibly because train services are less frequent than those from the main station at Hemel Hempstead which is not that far away. Even at Hemel Hempstead I note that the car park does not fill up until after midday. Moreover, the Local Transport Plan seeks to discourage car trips to car parks in urban centres by encouraging passengers to walk and cycle to stations or use passenger transport. I am not satisfied, therefore, that the provision of an additional car park at Apsley would be a significant benefit.

7.59.42. As for the shops these would primarily be intended to serve the new estate and commuters using Apsley station. I have some doubts whether this would provide sufficient trade to make such facilities viable. There is therefore a danger that they

might seek to attract custom from a wider area by either extending their range or specialising. It would be almost impossible to prevent this happening. The provision of the crèche could help to enable more linked trips as commuters could drop of their children on the way to work. However, I am not satisfied that this would be a substantial advantage in the overall scheme of things.

7.59.43. While the theatre could help to put Hemel Hempstead on the map I am not satisfied that the provision of such a facility outside the town centre would accord with the advice in PPG6. Moreover, while I note the support for such a facility from a number of august individuals there must be some question over its viability particularly as Hemel Hempstead already has a venue for shows, albeit that this is not suitable for opera and ballet. Overall, therefore, I am not satisfied that the benefits of the proposed development package are sufficient to override the harmful impact I believe that would arise from the development of this land for housing.

**Other matters**

7.59.44. I have noted the points raised by the Borough Council regarding the level of affordable housing provision and the fact that the site lies within the sand and gravel belt. However, I do not consider that these matters are of such significance as to add any weight to my overall conclusions.

**Conclusions**

7.59.45. I conclude that although the site would be well served by other modes of transport and well located in respect of most facilities and services it would not be a sustainable overall because of the impact on the Green Belt and the setting of Shendish Manor. I find that it would set a precedent for further development to the south of the railway line and would have a damaging visual impact on the landscape of the Gade valley. It would also significantly detract from the historical setting of Shendish Manor and diminish the recreational value of the footpaths that pass through the site. It could also cause problems of congestion on London Road. I accept that the existing infrastructure could be expanded to accommodate the development and that it would bring some benefits but I am not satisfied that these would outweigh the harm I believe it would cause. Consequently, I am not persuaded that the land at Shendish would be a preferable location for housing. Accordingly I recommend that no modification should be made to the Plan in response to these objections.

**Recommendation**

7.59.46. **No modification should be made to the Plan in response to these objections.**

**7.60. HOUSING: SUGGESTED NEW SITES: HEMEL HEMPSTEAD: OTHER**

**Objections**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
2367	Mr J Selkirk	4443	Felden Park Farms Ltd
3995*	HCC Corporate Services Department	5804	CPRE - The Hertfordshire Society

### **Counter Objections**

To Pre-Inquiry Change 58  
5597PC Mr P Witt & Ms S Wareham

### **Support for pre-inquiry changes**

For Pre-Inquiry Change 58  
5417PC CPRE - The Hertfordshire Society

## **Key Issues**

- (a) Should the John Dickinson Mill and former British Gas sites in Apsley be developed in preference to proposed green field sites in the Housing Schedule. (2367)
- (b) Would land at Fletcher Way/Wheatfield, Hemel Hempstead be an appropriate location for new housing. (3995, 5597)
- (c) Should land off Sheethanger Lane be used for housing. (4443)
- (d) Should additional land at North East Hemel Hempstead be converted from employment use to housing. (5804)

## **Inspector’s Conclusions**

### ***(a) John Dickinson Mill and Gas Board land at Apsley***

- 7.60.1. The John Dickinson site is already included in the Plan as Proposal Site TWA3 and planning permission has been granted for 430 dwellings on the land. This development is now largely complete. It is clear, therefore, that, the Council has given preference to this brownfield site in accordance with PPG3.
- 7.60.2. Although the former British Gas site was not originally identified in the Plan for housing the Council propose under PICs 56 and 252 to include it as a housing proposal site. For the reasons I have given earlier in the report I endorse these changes subject to the whole of the site being devoted to housing and the capacity being increased accordingly to 150 units.
- 7.60.3. I am satisfied that subject to these changes the Plan would give appropriate preference to the development of brownfield sites as sought by the objector. I therefore recommend that no further modification should be made to the Plan in the light of objection 2367.

### ***(b) Land at Fletcher Way/Wheatfield***

- 7.60.4. The County Council argues that land at the corner of Fletcher Way and Wheatfield, Hemel Hempstead should be identified for housing in Part I of the Schedule of Housing Proposal Sites. The site is identified in the adopted Plan as a location for a new youth centre under Social and Community Proposal C1. However, the Deposit Draft allocates an alternative location for this at Cambrian Way (C2) near the Bellgate Local Centre.
- 7.60.5. The Borough Council accepts that this site would be suitable for housing providing the alternative site at Cambrian Way is developed for a youth centre. It, therefore, proposes under PIC58 to include the land as housing proposal site H18A. In addition, it proposes under FC43 to amend the requirements to make clear that the site’s development for affordable housing will be dependant on a youth centre being

developed at Cambrian Way. Mr P Witt and Miss S Wareham object to this change on the basis that an equivalent number of units should be deducted from the figure for unidentified sites.

7.60.6. The site falls within an existing residential area and is clearly suitable for housing. While there is clearly a need for a youth centre in the area, it would appear another more centrally located site would be available for this. Judging by the agreement that has been reached between the parties who have an interest in the alternative site it would seem that there is a realistic prospect that a youth centre will be developed at Cambrian Way. The Council’s amendments to the figures in Policy 17 have taken account of the additional site. In the circumstances, I accept that its inclusion as a housing site is appropriate subject to the proviso that a youth centre is developed on the alternative site (C2). I recommend, therefore, that the Plan be modified in accordance with PIC58 and FC43.

**(c) *Sheethanger Lane, Felden***

7.60.7. Felden Farms suggest that a 1.4 hectare field to the east of Sheethanger Lane should be allocated for housing. I have already addressed the associated Green Belt objection in section 4.29 of my report where I concluded that there were no exceptional circumstances to warrant the release of this site from the Green Belt. Turning to the housing considerations I appreciate that due to the established belt of trees along the eastern boundary development on the site would not result in a prominent visual intrusion into the wider landscape to the east. However, I consider that it would erode the rural character of the area and place pressure on the Council to release more land to the south. More importantly, although the site is close to the main railway station at Boxmoor, it would be poorly located in relation to most other facilities and services. I am not satisfied therefore that it would constitute a sustainable location for housing. As such I do not consider that it warrants inclusion in the Plan either in addition to the existing proposal sites or in replacement for any of them. I, therefore, recommend that no modification should be made to the Plan in answer to objection 4443.

**(d) *North East Hemel Hempstead***

7.60.8. I have already addressed this issue in section 7.28 of my report. For the reasons I give in paragraphs 7.28.9 to 0 I consider that it would be appropriate for the employment area at North East Hemel Hempstead to be reduced slightly and the area allocated for housing under Proposal H27 to be increased to accommodate at least 350 dwellings. I consider, therefore, that my recommendation at paragraph 7.28.38 would largely meet this objection and I see no need for any further modification to be made to the Plan.

**Recommendation**

**7.60.9. The Plan be modified in accordance with PIC58 and FC43 but that no other modification be made in response to these objections.**

## 7.61. HOUSING: SUGGESTED NEW SITES: MARKYATE

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
784	Ms C Barrett	4741	Gleeson Homes
2776	Mrs M Mitchell	4787	Mr & Mrs J Armstrong

### Key Issues

- (a) Should land at Manor Farm be allocated as a new housing proposal site. (784)
- (b) Would land at Foxdell Farm, Luton Road be an appropriate location for new housing. (2776)
- (c) Would the land to the south east of Dammersley Close be a more sustainable location for housing within Markyate (4741)
- (d) Should land at Cheverell’s Green be designated for low density housing. (4787)

### Inspector’s Conclusion

#### *General*

7.61.1. I have already addressed issues related to the extension of the Green Belt around Markyate in section 4.40 of my report, where I concluded that the area of the proposed extension should be amended to conform with the boundary identified in the adopted Structure Plan Review. I have also dealt with the overall housing strategy for Markyate in paragraphs 7.38.1 to 7.38.10. I have determined that the level of housing proposed in the Plan would be appropriate in order to meet local needs but that a higher level of housing would not be justified owing to the settlement’s poor level of sustainability. However, I have concluded in sections 7.38 and 7.39 that the greenfield housing sites on Buckwood Road (H44 and H45) would not be appropriate locations for housing in view of their impact on the AONB. I have also found in section 7.49 that there is little realistic prospect of the site at Pickford Road/Farrer Top (H56) coming forward for housing before 2011. I have, therefore, recommended that all these sites should be deleted. I have considered the alternative sites put forward by objectors within this context.

#### *(a) Manor Farm*

7.61.2. This site which is some 1.3 hectares in extent lies on the northern edge of the village. The objector argues that the site would be a more sustainable location for development than H44 and H45 and would have less impact on the AONB. The Council argues that it would result in an intrusive extension of the village into the AONB and would be damaging to the setting of Manor Farm and Markyatecell Park. It also considers that it would have an unacceptable impact on highway safety. I have, therefore, considered whether this land would be an acceptable replacement for the sites at Buckwood Road. In doing so I have taken into account its sustainability, its impact on the AONB and character of the village, the effect on the setting of the adjoining listed building and registered historic landscape and the highway implications.

***Sustainability considerations***

- 7.61.3. The site would be within 180 metres of the bus stop outside the Red Lion Public House. It would therefore be much closer to existing bus services than either H44 or H45. It would also be within 510 metres of the local centre. It would therefore be closer to the centre than H45 and a similar distance to H44. However, I consider that the walk to the centre along the High Street would be easier than the walk along Buckwood Road since there would be no appreciable change in level. Moreover, it would be closer to a number of the existing shops, particularly those at the northern end of the centre. I consider, therefore, it would be slightly better located in terms of access to the local centre.
- 7.61.4. At 470 metres the distance to the local school would be greater than for either H44 or H45. However, it would still be within reasonable walking distance. Moreover as the land between the site and the recreation ground is in the same ownership it should be possible to significantly reduce this distance by providing a footpath link across the orchard to the adjoining recreation ground. This would provide a virtually traffic free route, which would have significant safety advantages particularly over H44 where children would have to cross Buckwood Road. I am satisfied, therefore, that the development would be well related to existing facilities and services.

***Impact on AONB and character of village***

- 7.61.5. Like the sites on Buckwood Road this site falls within the Chilterns AONB. However, while it would be visible from the A5, some points on Luton Road and FPs 2 and 7, as well as from the adjoining cemetery to the south, it would be generally well screened from the west by the existing hedgerows and the topography. Even from the viewpoints it can be seen from it is already partially obscured by the existing trees and hedgerow along the A5 frontage. Moreover, travelling south along the A5 any development would be seen against the backdrop of the existing buildings at the northern end of the village. The impact could be reduced still further if a landscape buffer was planted along the short northern boundary of the site and the existing planting along the A5 was supplemented. I note the Council’s suggestion that new buildings would break the skyline but I am not persuaded that this would necessarily be the case. Even if it did occur the visual impact would in my view be very localised unlike the development at Buckwood Road, particularly H45, which would be seen from a substantial distance to the south. I am satisfied, therefore, that development of this site would have considerably less impact on the character of the AONB than the sites at Buckwood Road.
- 7.61.6. In terms of the character of the village I concede that the development would project further beyond the edge of the village than the sites at Buckwood Road. However, since it would be a much narrower site and would follow the main valley it would appear in my view as a natural extension of the traditional linear form of the village. As such I consider that it would be far more in keeping with the objectives of the Chilterns Buildings Design Guide (CD65) than the prominent extension of the modern development on the subsidiary valley sides proposed under Proposals H44 and H45. Subject to careful attention being paid to the layout and design of the dwellings and the choice of materials I am satisfied that the development would not have an unacceptable impact on the character of the village or on the setting of the Conservation Area.

***Effect on Manor Farm and Markyatecell Park***

- 7.61.7. Manor Farmhouse is a Grade II listed building. I have, therefore, carefully considered the implications of the proposed housing on its setting. The edge of the proposed housing would be some 40 to 50 metres to the south of the farmhouse and would be partly screened from it by the intervening barn. Although initially there would be a certain amount of inter-visibility between the two this would be reduced over time by the proposed landscape buffer. Even without this I consider that the degree of separation combined with the location of the barn would be sufficient to ensure that the development had minimal impact on the immediate setting of the farmhouse.
- 7.61.8. I note the Council’s view that development of the land would cut the farm complex from its historic hinterland. However, it is not clear exactly what constituted the historic hinterland of the farm. Moreover, the farmhouse and outbuildings are no longer in agricultural use. In my view the recent residential conversion of the outbuildings and the consequent change in activity have already led to a substantial change to the historic setting of the farmhouse. Subject to the provision of a suitable landscape buffer I am satisfied that development of the objection site for housing should not result in a further erosion of the setting of Manor Farmhouse.
- 7.61.9. Markyatecell Park, which lies to the east of the A5 is listed on the Register of Historic Parks and Gardens as Grade II. A stone wall and a belt of mature trees mark the A5 boundary of the park. While it may be possible to obtain glimpses of the objection site from within the Park the existing trees on either side of the A5 act as a strong visual barrier between the two areas. I accept that the site would be slightly more visible from St Johns Church but this would appear to lie outside the boundary of the Park. In any case even from this viewpoint the intervening vegetation would in my view substantially mitigate any impact. Consequently, I find that development of land at Manor Farm would not have a damaging impact on Markyatecell Park or its setting.

***Highway considerations***

- 7.61.10. My major concern regarding the suitability of the land at Manor Farm as a potential housing site is in relation to the highway effects. At present the High Street stub road serves 20 dwellings which generate some 20 movements at peak hours, including 12 right turning movements into the stub road from High Street during the PM peak. Visibility for traffic turning right into the High Street Stub road is currently limited to 26 metres, which is well below the appropriate 70 metre standard. However, there is no indication that this has led to any accidents occurring.
- 7.61.11. The additional dwellings would be likely to result in a total of 36 right turning movements taking place during the PM peak. Clearly this would increase the danger of an accident occurring at this junction in view of the sub-standard visibility. However, I note that it would be possible for visibility at this junction to be increased to 33 metres through highway improvements. While visibility would still be well below standard I am satisfied that this improvement, together with the addition of appropriate signage, should be sufficient to avoid accidents occurring at this junction, bearing in mind that vehicles approaching from the south are likely to be slowing down to negotiate the bend. Traffic speeds could probably be reduced still further by the implementation of appropriate traffic calming methods if this was felt to be necessary. I note the Highway Authority’s comments about the implications of on-

street parking on the operation of this junction. However, I am satisfied that this could be addressed by the imposition of appropriate parking controls if it should prove to be a genuine problem.

- 7.61.12. Of more concern is the effect that increased right turning movements could have on traffic on the A5. As the junction is only 32 metres from the A5/High Street junction there would only be sufficient space for 5 cars to queue before traffic backed up onto the A5, less if a larger vehicle was also in the queue. In view of the busy nature of the A5 and the fact that there have been some 19 personal injury accidents at the A5/High Street junction in the last 5 years I can understand the Highway Authority’s concern about this. However, in the absence of any objective evidence as to the likelihood of such queues occurring, I am not persuaded that the increased use of the High Street stub junction would be likely to lead to traffic backing up onto the A5. I appreciate that a full Traffic Impact Assessment (TIA) is likely to be required at the planning application stage but there is nothing in the Highways Agency’s comments to suggest the impact of additional turning movements on the operation of this junction could not be satisfactorily addressed through appropriate improvements.
- 7.61.13. I note the concerns raised about the impact of headlight glare but it appears that this could be adequately addressed by the provision of appropriate fencing. As for the existing users of the stub road, I am satisfied that subject to the provision of some 5 parking spaces on the objection site the development should not have a significant impact on the operation of the cemetery. I appreciate that the area around the war memorial is also used by a significant number of people during the Remembrance Day service. However, this only takes place once a year and lasts for a relatively short period of time. I consider therefore that any potential conflict is likely to be minimal.
- 7.61.14. I acknowledge that there is a possibility that the London-South Midlands Multi-Modal Study could lead to improvements to the A5 but these are unlikely to be major. I am not satisfied, therefore, that there is any certainty that future improvement to the A5 would have a significant impact on the objection site. Even if it did lead to some removal of vegetation along the eastern boundary of the site, I am satisfied that the impact would be mitigated by increasing the depth of the existing screen along this boundary through further planting. There is no doubt that the creation of the new access would lead to the loss of some vegetation at the pinch point where it joins the end of the stub road. It is also clear that there would be limited scope for further planting at this point owing to the limited space available. However, I am not persuaded the visual impact would be so significant as to make the site unsuitable for housing. I am not persuaded therefore that the highway effects of this site would be so significant as to rule out this site as an appropriate location for housing development.
- 7.61.15. In reaching this conclusion, I have taken into account the Council’s arguments that the development of H44 and H45 would have less impact in highway terms. However, although I accept that there may be more scope for highway improvements/traffic management measures in relation to the sites at Buckwood Road there would be limited scope for improving visibility at the sub-standard High Street/Buckwood Road junction. It is clear, therefore, that development of H44 and H45 would also be less than ideal in highway terms. While the highway implications could be marginally worse in respect of Manor Farm I am not persuaded the difference is so marked as to make the sites at Buckwood Road preferable in highway terms. Moreover, when the

landscape implications of both sites are taken into account I consider that the land at Manor Farm would be a better site overall.

***Other matters***

- 7.61.16. Concerns were also raised by the Council regarding the increased disturbance to existing residents of the stub road and in respect of the quality of residential environment for future occupiers in view of the site’s proximity to the A5. I am not persuaded that the increase in traffic levels along the stub road would be likely to lead to a significant deterioration in the residential amenity of existing occupiers. Although there will clearly be noise from the A5 there is no indication that it would be at such levels as to lead to an unacceptable quality of life for future residents. I am not satisfied therefore that these or any other issues are sufficient reason to conclude that Manor Farm would be an unsuitable location for new housing.
- 7.61.17. In the circumstances and bearing in mind my findings that some 40 dwellings would be required on greenfield land in order to meet local needs during the Plan period, I recommend that land at Manor Farm should be included in the Schedule of Housing Proposal Sites. However, as this is a greenfield site I consider that it would be more appropriate for it to be included in Part II for development after 2006, in line with the advice in PPG3. In the light of this conclusion, I have gone on to consider what planning requirements, if any, should form part of the Proposal

***Planning requirements***

- 7.61.18. In the light of the significant need for affordable housing in the rural area and the limited availability of suitable sites I consider that it would be reasonable to include an indicative affordable housing target of around 50% for this site. In view of the site’s location I also consider that it would be appropriate to require significant additional landscaping, particularly on the open northern boundary but also to enhance the existing screening on the eastern and western boundaries. The latter could include planting in the adjoining orchard to reinforce the green backcloth to the development. In addition I accept that it would be reasonable to require a high standard of layout, design and materials in order to safeguard the character of the AONB, the setting of Manor farmhouse and the character of the Conservation Area. In view of the need to minimise highway effects I consider that it would be appropriate to indicate the need for highway improvements. For the same reason I find that it would be reasonable to require parking to be provided on the site for the cemetery. Finally it will be necessary for some provision to be made on site to meet the recreational needs of future occupiers. However, as funding has already been obtained for an expansion of the existing primary school and this is likely to take place before 2006 I see no need for a contribution towards additional educational facilities to be sought.

***(b) Foxdell Farm***

- 7.61.19. I have already dealt with the related objection to the extension of the Green Belt around Markyate at paragraph 4.40.22. As the site lies over 1 kilometre from the centre of Markyate and bus services past the site are relatively infrequent I consider that it would be poorly located in terms of access to local facilities and services. Development of the site would also erode the vulnerable wedge of open land between Luton and Markyate. I consider, therefore, that it would be an unsustainable location

for housing. I, therefore, recommend that no modification should be made to the Plan in response to objection 2776.

**(c) Dammersley Close**

7.61.20. This is a large site of some 6.2 hectares, which lies to the south east of the village. I have previously considered this site in paragraph 4.40.25 of my report in relation to the appropriate location of the boundary of the Green Belt extension at Markyate. I have concluded that the site should be included in the Green Belt. I have, therefore, considered solely the housing issues at this stage.

7.61.21. Although the land is some 6.2 hectares in extent the objector proposes that only some 3 hectares of the site should be developed for housing of which part would be held back until after 2011. The remainder of the area would be given over to structural landscaping and a balancing pond. It is agreed that this area would have a potential capacity of between 90 to 100 dwellings.

7.61.22. I have already established that it would be inappropriate for more housing to be provided in Markyate in the current Plan period than is proposed in the Plan. I have also indicated earlier in this Chapter that I do not consider it would be appropriate in the light of PPG3 for greenfield sites to be allocated for housing in the Plan for implementation after the end of the Plan period. In the circumstances, I do not consider that it would be appropriate for a greenfield site, which could accommodate up to 100 houses, to be allocated at Markyate.

7.61.23. I appreciate that this site, unlike those proposed in the Plan, lies out the boundary of the AONB. Nevertheless, development in this location would have a significant impact on the Ver valley, owing to its sloping topography, and would form a prominent feature on approaching the village from the south along the A5. It would also be visible from the various nearby public footpaths as well as from the opposite side of the Ver Valley. While the proposed landscaping would mitigate this impact over time this would take a long time to establish. I consider, therefore, that the proposed housing would create a significant intrusion into the open countryside south of the village.

7.61.24. While the site would be close to a bus stop, services are relatively infrequent. Although at 740 metres the nearest point of the site would be within reasonable walking distance of the local centre, some parts of the housing area would be more than 800 metres from the centre. More importantly it would be almost 1300 metres from the local primary school, which greatly exceeds the standard used by the Council. It would also be a significant distance from the village hall, youth club and playing fields. I consider, therefore, that the site is poorly related in terms of access to local facilities. Consequently, development of this site would be more likely to lead to higher levels of car use than either H44/H45 or the site at Manor Farm.

7.61.25. The Highway Authority accepts that the local road network could accommodate the additional traffic from a hundred dwellings subject to appropriate off-site improvements at the junction of London Road with the spur road and at the A5 junction. However, while it may have the physical capacity to accommodate the vehicles I am concerned about the environmental impact of such an increase in traffic

on the environmental quality of the village given the narrowness of the High Street and the various sub-standard junctions along it.

7.61.26. I accept that the local primary school would probably have the capacity to accommodate the additional pupils. Nor is there any substantive evidence to indicate that the proximity of the site to the sewage works to the south would be likely to cause serious problems or that the site would be affected by flooding. Since the site would fall within the 48L<sub>Aeq</sub>dB night time contour for Luton Airport it is clear that it would suffer some aircraft noise. However, this would not be sufficient on its own to rule out housing on the site, although it is clear that it would make it less attractive as a housing site than sites within the northern part of the village which fall outside the noise contours. Moreover, it is possible that noise levels could increase slightly with the proposed expansion of Luton Airport. Overall, therefore, I conclude that the site would be a less sustainable location for housing than either of the sites proposed in the Plan or the alternative site at Manor Farm that I have recommended should be included. Accordingly I recommend that no modification should be made to the Plan in response to objection 4741.

**(d) *Cheverells Green***

7.61.27. This site, which is around 1 hectare in area, consists of a small field on the south western edge of the built-up area. I have concluded in paragraph 4.40.24 that it should not be included in the proposed Green Belt extension. I have therefore considered whether it should be allocated for housing as proposed by the objector.

7.61.28. This site does not form part of the AONB and is screened from the open countryside to the south and west by tall hedgerows. Nevertheless, as it is traversed by FP19 and FP 18 runs along its north western boundary I consider that housing development on this site would have an visible impact on the attractive character of this rural fringe to the village. Moreover, as the site is located over 900 metres from the local centre and even further from the local school it would not be well related to existing facilities. Indeed, in view of its hilltop location and the lack of any regular bus services along Pickford Road, it is clear that occupiers would have to use their own cars to access all facilities and services. I am not satisfied, therefore that it would constitute a sustainable location for housing development.

7.61.29. The objector suggests that the site would be suitable for 3 dwellings. However, such a low density would be directly at odds with the advice in PPG3 and , in my view, would fail to make the most effective use of the land. If the density were to accord with PPG3 the site could potentially accommodate 30 or more dwellings. The additional traffic and activity arising from a development of this scale plus the need to provide a new access with appropriate visibility splays and turning radii would have an extremely damaging impact on the rural character of Cheverell’s Green. The additional traffic could also increase problems with the safe operation of the substandard junction of Pickford Road and High Street. In my view these are further compelling reasons for concluding that this site would be an inappropriate location for additional housing.

7.61.30. In reaching this conclusion, I have taken into account the suggestion that the field to the rear of the playing field at Cavendish Road could be transferred to the Parish Council in association with the development of the objection site. However, while this

field clearly contributes towards the formal leisure space requirement for Markyate, I note that it already has planning permission for recreational use and the land has been laid out and used for this purpose. There is no indication that the landowner intends to prevent the further use of this land for recreational purposes. I am not satisfied, therefore, that the transfer of the land would provide any additional benefit. In any case since it would provide far more open space than would be required to meet the needs of future occupants of housing on the objection site I do not consider that development of the land at Cheverell’s Green could be made contingent on such a transfer. I therefore recommend that no modification should be made to the Plan in response to objection 4787.

**Recommendation**

7.61.31. **The Plan be modified as follows:-**

- (a) **amend settlement boundary at Markyate to include land at Manor Farm;**
- (b) **insert the following additional housing proposal site in Part II of the Schedule of Housing Proposal sites:-**

**MARKYATE**

*Site reference*  
*Site location*  
*Area (Ha)*  
*Net capacity*  
*Planning requirements*

**H50A**  
**Land at Manor Farm, High Street**  
**1.3**  
**40**  
**High quality housing of which around 50% should be affordable housing units. Careful design, layout and use of materials to limit impact on the landscape and the setting of Manor Farm. Design of housing should harmonise with character of Conservation Area to the south. Retention of existing hedgerows and trees along boundaries. New boundary to be established south of Manor Farm, including substantial landscape buffer zone. Additional planting also required adjoining A5 and along western boundary. Vehicular access via High Street. Alterations to junction and other highway improvements will be required. Footpath link to school to be established across adjoining land to the east. Provision of public open space. A minimum of 5 parking spaces to be provided for users of the cemetery. A development brief is required.**

*Progress* **P**

7.61.32. **No other modifications be made to the Plan in response to these objections.**

## 7.62. HOUSING: SUGGESTED NEW SITES: TRING

### Objections

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1554	Tring Town Council	3711	Silvermere Developments
1555	Tring Town Council	3718	Silvermere Developments
1556	Tring Town Council	3767	The Tring Park Estate
1557	Tring Town Council	3834	Old Road Securities plc
1559	Tring Town Council	4158	Mr R Mildred
1731	Mrs M Pugh, Mr J Hooton and Mr T Hooton	4160	Mr R Mildred
3246	A Frazier		

### Key Issues

- (a) Whether the Housing Schedule has taken into account all appropriate sites. (1554, 1555, 1556, 1557, 1559)
- (b) Should the eastern part of L5 (Miswell Lane) be designated for housing development. (1731)
- (c) Would land adjoining Gannel Farm be suitable for housing and leisure development. (3246)
- (d) Should land at New Mill be allocated in Part III of the Housing Schedule. (3711)
- (e) Is the land between Station Road, Cow Lane and London Road a suitable location for a mixture of residential, employment generating and leisure uses. (3718)
- (f) Would it be appropriate for the site south of Park Street to be added to Part I of the Housing Proposal Sites. (3767)
- (g) Should land between Station Road and Cow Lane be allocated for housing development. (3834)
- (h) Should Leisure Proposal L4 (Dundale) be amended to allow a mixed use development (residential and open space). (4158)
- (i) Would it be more appropriate for the proposed employment site at Miswell Lane (E8) to be developed for housing. (4160)

### Inspector’s Conclusions

#### *General*

7.62.1. I have already addressed the issue of the sustainability of Tring as a location for additional housing in dealing with the objections to the Green Belt boundary around the town (*see paragraphs 4.41.1 to 4.41.3*). For the reasons I set out fully there I do not consider that Tring would be a sustainable location for significant additional housing. I have therefore considered these objections within this context and with regard to my conclusions regarding the Green Belt boundary around Tring.

#### *(a) Have all appropriate sites in Tring been accounted for*

7.62.2. These objections relate to 5 sites in various locations within the existing urban area of Tring. The Town Council questions whether appropriate account has been taken of the contribution of these sites to the overall housing target as they are not included in the Schedule of Housing Proposal Sites.

- 7.62.3. The Borough Council acknowledges that 4 of these sites have been granted planning permission for 5 dwellings or more<sup>99</sup>. Consequently, it accepts that in theory they would be suitable for inclusion in the Schedule. However, the sites all came forward after the Plan was drawn up. It was, therefore, not possible to include them as identified sites within the Deposit Draft. The other site at the Convent of St Francis de Salls, which was granted outline planning permission in February 1999 for 3 dwellings, falls below the appropriate threshold for inclusion.
- 7.62.4. The fact that these sites were not included in the Schedule of Housing Proposal sites does not mean that no account has been taken of them in the housing figures. I note that the Council did include 3 of the sites in the updated housing figures included in the Housing Technical Report (CD57). Of the other 2, the land at Frogmore Street was not included as planning permission was granted after 31 March 1999, while planning permission for the land at the Convent of St Francis de Salls had only been granted in outline only at the time.
- 7.62.5. Clearly, the housing position will be constantly changing as new sites come forward. While the Council might have been able to identify more of these sites at the Plan preparation stage if they had undertaken a full urban capacity study, as required by PPG3, there can be no certainty of this. It is precisely for this reason that Policy 17 provides for a significant element of the housing requirement to be met on unidentified windfall sites. In the light of the small scale of these sites it is unlikely that their earlier identification would have made a significant difference either to housing figures or to the overall strategy.
- 7.62.6. I have already indicated earlier in my report that the Council will need to update the housing provision in the adopted Plan and I have suggested in section 7.4 that the most appropriate date is likely to be 31 March 2001. In updating the housing figures the Council will obviously need to take these additional sites into account. Whether or not it will be appropriate for them to be specifically identified in the Plan will depend largely on their progress. If development of any of the 4 larger sites has not been completed by the time the modifications are considered then it would be appropriate for them to be included in the Housing Schedule as identified sites. However, in the light of the current strength of the housing market there is a strong probability that all these sites will either be completed or substantially completed by that date. In the circumstances, I leave it to the Council to decide on the most appropriate way of dealing with these sites in terms of their inclusion within the adopted Plan. I therefore make no recommendation in respect of these particular sites other than to reiterate my suggestion that the housing provision figures be updated to 31 March 2001.

**(b) *Eastern part of Miswell Lane (L5)***

- 7.62.7. This site, which is some 1.2 hectares in extent, consists of a triangular area of rough grass in the centre of the Miswell Lane Recreation Area (MLRA). It has an extensive planning history dating back to the 1950’s and has been allocated for public open space for many years. At the time of Inquiry an appeal against a Certificate of Appropriate Alternative Development (CAAD) issued by the Council, which defined

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<sup>99</sup> Land in Frogmore Street (9 dwellings granted pp January 2000); Westward enlargement of H40, known as r/o 50/52 Station Road (7 dwellings granted pp April 1999); Rodwells Yard, Akeman Street (14 dwellings granted pp June 1998; Beech Grove, Station Road (5 dwellings granted pp April 1998)

the only permissible use of the land as being public open space, had recently been dismissed by the Secretary of State. The Council had made an offer to purchase the site by agreement and had determined in principle that if the offer to purchase was not accepted that it would use its compulsory purchase powers to acquire the land.

- 7.62.8. Despite the long history of this site and the support expressed by previous Inspectors for site’s allocation for public open space, the objectors contend that there is no requirement for it to be designated for this purpose. Instead they consider it would be more appropriate for it to be used for housing. Moreover, they argue that even if it is accepted that there is a need for additional open space in Tring this could be provided whilst still leaving a strip of land of some 30 metres in width on the eastern side of the area for housing.
- 7.62.9. I deal with the question of the site’s allocation as public open space under Leisure Proposal Site L5 in more detail in section 12.27 of my report. I deal here, briefly with the substantive issues relating to the suitability of the site for housing.
- 7.62.10. Appendix A of the Leisure and Open Space Technical Report (CD58) identifies that Tring has a shortfall of some 5.41 hectares of open space based on NPFA standards. While the area around Miswell Lane is better provided than other areas of Tring, there appears little scope elsewhere within the town for addressing this shortfall. I accept, therefore, that there is a deficiency of open space in Tring and that this site provides one of the few realistic prospects of addressing this.
- 7.62.11. Even if there were no need for additional public open space I am not persuaded that either all or part of this land would be suitable for housing. The large area of open land that constitutes the MLRA is clearly well used by local residents for a variety of formal and informal leisure activities. It therefore forms an important focal point for community activity. It also provides an important visual break within the built-up area, which adds significantly to the character and atmosphere of the surrounding residential areas. This visual contribution is heightened by the extensive views that the area provides of the attractive open countryside to the south of Tring, including Tring Park.
- 7.62.12. Development of the objection site would separate the existing areas of public open space that lie to the north and south. In my view this would not only diminish the recreational value of these areas but it would also detract from their character. It would also limit the important vistas across the site to the countryside to the south. I find therefore that housing development on the whole of the objection site would seriously erode the contribution the MLRA makes to meeting the recreational needs of local residents as well as to the character of the surrounding residential areas.
- 7.62.13. While development of the eastern part of the site would have less visual impact, I consider that it could threaten the long-term health of the important mature trees along the eastern boundary of the site. These trees have already come under significant pressure through the development of housing at Okeford Close. Even if they could be retained the visual contribution they make to the setting of the MLRA and to the residential areas further to the west would be significantly diminished. I conclude therefore that development of all or part of the site for housing would significantly detract from the quality of the local townscape. In the circumstances, I am not

satisfied that it would be a suitable location for housing. I, therefore, recommend that no modification should be made to the Plan in the light of objection 1731.

**(c) Gannel Farm, Bulbourne Road**

- 7.62.14. This site, which is around 2.5 hectares in extent, lies on the north eastern edge of Tring. It consists of a large open flat field, the rear part of which falls within the Chilterns AONB. I have already addressed the linked objection to the site’s continued inclusion in the Green Belt in paragraphs 4.41.6 to 4.41.10, where I conclude that there are no exceptional circumstances to warrant its release from the Green Belt. I therefore deal at this point solely with the suitability of the site for housing.
- 7.62.15. I have already identified earlier in my report that there is no need for further land to be identified in Tring in order to meet the Structure Plan housing requirement. In addition, I have found that the existing infrastructure of the town, especially educational provision, is at capacity. Since this site could accommodate over 70 dwellings I consider that additional housing development on this scale could place considerable strain on existing facilities and services.
- 7.62.16. Turning to the site’s sustainability I note that it lies a considerable distance from Tring railway station. Although there are a number of bus stops nearby these are served by infrequent services on weekdays and very limited services in the evenings and weekends. Although the site would be within reasonable walking distance of a grocery shop and Post Office, it is over a kilometre from the town centre. The nearest primary school would be over 800 metres away but this is already full. Dundale JMI, which does appear to have some scope for expansion, is 1290 metres from the site. There are also problems with the Icknield Way/Bulbourne Road junction and the Bulbourne Road canal bridge, which would necessitate highway improvements. I find therefore that the accessibility of the site is relatively poor.
- 7.62.17. While I accept that the land is not of high landscape value in itself, I have no doubt that housing development in this location would form a noticeable intrusion into the this generally flat area of open countryside adjoining the Wendover Arm of the Grand Union Canal. I note the suggestion that the front of the site could be developed for housing and the rear part, which falls within the AONB, laid out as open space. However, I am not satisfied that the benefit of establishing a clear boundary for the AONB would outweigh the harm to the wider countryside. I conclude, therefore, that the site would not constitute a sustainable housing location. Moreover, in the absence of an overriding housing need I find no reason for it to be allocated for this use. I therefore recommend that no modification should be made to the Plan in the light of objection 3246.

**(d) Land at New Mill**

- 7.62.18. The objector in this case seeks the inclusion of some 14.5 hectares of land on the eastern edge of Tring as a housing proposal site. I have already addressed the related Green Belt objection in paragraphs 4.41.11 to 4.41.12. Based on the recommended housing densities in PPG3 it is clear that this land could potentially accommodate over 400 additional dwellings, which would be a very substantial increase for a town of this size. I am not satisfied that the existing infrastructure has sufficient capacity to sustain this level of additional development, nor is there any evidence to indicate that it could

be suitably expanded. I consider, therefore, that housing development of this scale would place an intolerable burden on the infrastructure of the town.

7.62.19. Moreover, I consider it would result in a serious visual intrusion into this attractive area of countryside on the eastern side of Tring, which is designated as a Landscape Conservation Area. In my view, this would seriously detract from the pleasant rural setting of this small town. Consequently, I find insufficient reason to justify this land being included as a housing proposal site. I therefore recommend that no modification should be made to the Plan in response to objection 3711.

**(e) Land between Station Road, Cow Lane and London Road**

7.62.20. This objection relates to a very substantial area of land, amounting to some 45 hectares in all, lying between London Road, Station Road and Cow Lane on the south-eastern edge of Tring. The Council has recorded no duly made objection in relation to the site’s inclusion in the Green Belt although the objection does refer to the redrawing of the Green Belt and AONB boundaries to exclude this land.

7.62.21. In the light of my previous findings regarding the lack of need for additional housing in Tring and its generally poor sustainability as a location, I consider that such a significant expansion of the town would be completely at variance with the objectives of both the Structure and Local Plans. Not only would it be likely to completely overwhelm the existing infrastructure but it would also significantly increase congestion in the town centre. In view of my conclusions in section 7.4 of my report I am not satisfied that the exceptional circumstances exist to warrant its exclusion from the Green Belt.

7.62.22. The land does not currently lie within the AONB but even if it did it would not be within the Borough Council’s powers to amend the boundary. It does, however, fall within a designated Landscape Conservation Area. I am concerned, therefore, that development of the objection site would have a significant visual impact on this prominent area of attractive rural landscape adjacent the eastern gateway to the town. It would also lead to a significant loss of agricultural land. I find therefore that development of this site would not only detract from the important rural setting of the town but it could also conflict with the objectives of national policy in respect of development of agricultural land. I am not satisfied, therefore, that housing would be a sustainable use of this land. I recommend that no modification should be made to the Plan in response to objection 3718.

**(f) Park Street**

7.62.23. I have already addressed this site in paragraphs 4.41.13 to 4.41.15. Although the site is very modest in scale, being only some 0.15 hectares in extent, it falls within the AONB. The land is largely overgrown and is separated from the adjoining urban area by Park Street and the footpath to Tring Park. As such I consider that its development for housing would erode the attractive rural buffer that it and the adjoining area of woodland to the west provide. In my view this would detract from the character of the AONB. I appreciate that there may have been some built development on the site in the past but this has long since gone. I note that planning permission has been given to develop the adjoining land to the west as a car park and picnic area. However, such a use would generally be appropriate within an AONB. I find no reason to believe that it

would significantly detract from the rural ambience of the area. I am not satisfied therefore that it would warrant the release of the objection site for housing. I recommend, therefore, that no modification should be made to the Plan in the light of objection 3767.

**(g) Station Road/Cow Lane**

7.62.24. This objection relates to a triangular piece of land, of around 2.5 hectares, which lies adjacent to the junction of Station Road and Cow Lane on the eastern edge of Tring and within the Chilterns AONB. I have already considered the linked objection to the Green Belt boundary at paragraphs 4.41.19 to 4.41.22 of my report.

7.62.25. The objector argues that this land should be released to meet the overall housing requirement. In particular, it is suggested that some of the remaining housing allocations in Tring are unlikely to come forward during the Plan period. For the reasons I set out in section 7.4 I am not satisfied that there is a need to allocate additional land in Tring in order to meet the overall housing requirement. I accept that there is some doubt that the proposed site at the cattle market site in Brook Street (H35) would come forward during the Plan period. I have therefore recommended it be deleted. However, this would be more than offset by the additional site the Council now proposes to include at Dundale (H40A) under FC47 (*see issue (h) below*). Although doubts have been raised about the genuine availability of the Gas holder site (H36) and the land at 55 King Street, I find no convincing reason to believe that these sites would not become available for development before 2011. In the circumstances, I am not satisfied that there is a need for this site to be allocated for housing.

7.62.26. Although the site is screened from the east by the woodland at Pendley Manor it forms a prominent open area adjacent the road junction. As it is separated from the built-up area by the existing roads housing development on the site would form a clear extension into the adjoining countryside. It would also obstruct the attractive vista across the site to the adjoining woodland. In my view therefore it would detract from the character of the AONB. While the housing would be in reasonable proximity to some facilities it would be at least a kilometre from the town centre and an even greater distance from the main employment areas. Consequently, I am not satisfied that it would be a more sustainable location than any of those proposed in the Plan, including the new proposal site at Dundale. In the circumstances, I do not consider that the site represents a suitable location for housing and I recommend that no modification should be made to the Plan in response to this objection.

**(h) Dundale (L4)**

***General background***

7.62.27. This site, which is some 4.9 hectares in area, is located in the northern part of the town. It is currently occupied by a small lake, an area of woodland and an adjoining area of grassland and is identified as a Wildlife Site. The Rothschilds originally laid out most of the area as a pleasure ground in the C19th. To the south, east and north east the land is bordered by housing. To the north west it adjoins Icknield Way, which marks the town’s boundary with the open countryside to the north. For a short section along the southern boundary the site abuts the playing fields at Dundale School. It is allocated in both the adopted Plan and the Deposit Draft as a leisure proposal site.

- 7.62.28. The objector argues that there is no realistic prospect of this land coming forward for public use under present circumstances. Meanwhile the ecological value of the site continues to deteriorate. He suggests therefore that it would be better for the grassland area in the south of the site and an adjoining strip of the woodland to be allocated for housing. The remainder of the land could then be laid out as a wildlife garden open to members of the public.
- 7.62.29. The Council acknowledges that the site has been identified in various Development Plans over a period of many years as a site for public open space but that this proposal has not been realised. Although it has consistently resisted development on this site it concedes that some limited housing development on part of the site might be acceptable if the remainder of the site were transferred to the Council for use as an ecological park. In order to assess the level of support for this option it carried out a public consultation exercise during the Inquiry. This revealed that most local residents supported this approach in principle, albeit reluctantly. The Council, therefore, proposes under FC47 to include the site within the Schedule of Housing Proposal sites.
- 7.62.30. The proposed change does not include either the exact area for the housing site or the net capacity as the Council considers that this can only reasonably be determined following evaluation of site specific considerations. However, it does include a number of planning requirements, including securing the implementation and future maintenance of the ecological park/nature reserve proposed under L4 (as amended by FC48), the provision of affordable housing, a contribution towards educational provision and pedestrian links.
- 7.62.31. The objector accepts this change in principle but considers that it would be more appropriate for a specific site to be allocated. He suggests an area of approximately 1.3 hectares that would include the grassland, a small area of woodland to the north and a strip of land to the rear of 42 to 52 Nathaniel Walk. The northern boundary of this area would be 20 metres from the southern edge of the lake. The planning requirements are also largely agreed. However, the need to provide affordable housing and to undertake a grass snake survey is questioned.
- 7.62.32. At the Inquiry I asked the parties to agree on a defined area for the housing. However, they were unable to do so. The objector contends that the area he originally proposed is appropriate. The Council considers that the area is too large particularly in relation to the strip of land behind 42-52 Nathaniel Walk. It therefore suggests that the exact area should be left undetermined at this stage, as proposed under FC47, or if a specific area has to be allocated that it should be restricted to the grassland area and a small area of woodland to the north. It accepts, however, that the specific reference to a grass snake survey is unnecessary and proposes under FC88 that this requirement should be deleted.
- 7.62.33. In the light of the representations, I consider that there are 3 principal issues that need to be addressed in respect of this site. These are firstly whether it would be appropriate in principle for part of the site to be allocated for housing in order to secure the ecological and amenity value of the remainder of the area; secondly, if so, the area of the site that should be allocated for this purpose and finally whether the requirements proposed under FC47 would be appropriate.

***Should part of the site be allocated for housing***

- 7.62.34. There is no doubt that there is a deficiency of open space within Tring. However, if the site at Miswell Lane (L5) is acquired as public open space, which seems likely, the shortfall would drop to approximately 3.9 hectares. In these circumstances there would be no need for the whole of the site to be retained in order to achieve the appropriate provision of open space within the town in accordance with NPFA standards.
- 7.62.35. There is no doubt that the woodland on the site forms a prominent feature in the townscape of northern Tring being the only significant area of woodland within the urban area. It is also clear that it is important in terms of its local history owing to its connection with the Rothschilds who played such an influential role in shaping the current character of Tring. In addition, the mosaic of habitats found on the site make it a valuable area for nature conservation, hence its status as a Wildlife Site. I accept therefore that it is important in cultural, amenity and ecological terms for the majority of the land to be retained as open space.
- 7.62.36. While the 1993 Local Plan Inspector endorsed the retention of the area as leisure proposal site he was clearly concerned regarding the long-term maintenance of the area (*see paragraphs 10.86 to 10.95 of CD37*). Although he did not specifically endorse residential development on the site this was primarily because there were no firm proposals before him. He considered that ancillary development if it was determined to be appropriate could be permitted under the provisions of Policy 104<sup>100</sup>.
- 7.62.37. Despite the obvious encouragement he gave for the Council to negotiate an appropriate scheme with the owner another 10 years has gone by and the matter has still not been resolved. In the meantime no management of the area, other than the removal of dangerous trees, appears to have been carried out. In consequence, I have no doubt from what I saw of the area that its ecological value has continued to deteriorate. While it was suggested at the previous Local Plan Inquiry that a policy of benign neglect and non-intervention would be appropriate all parties now appear to accept that the area needs to be appropriately managed if it is to continue to provide a rich and varied habitat for wildlife. I share this view. Indeed, even if the site was of no ecological value I consider that it would need to be managed in order to maintain its amenity value, particularly as many of the trees on the site are exotic and would not naturally regenerate.
- 7.62.38. The leisure proposal has been included in the Development Plan for a considerable number of years without any appreciable progress towards it being achieved. Although the Council has previously indicated a willingness to acquire the land this does not appear to have been pursued with any vigour. In the light of the Council’s other commitments, particularly the acquisition of the land at Miswell Lane (L5), I doubt that there is any realistic prospect of Proposal L5 being achieved within this Plan period without some form of enabling development.
- 7.62.39. It is clear from the report of the Hertfordshire Biological Records Centre (HBRC) that the grassland, which is the principal area proposed for housing, is important to the overall ecological value of the site as it adds to the range of habitats. However, I note

<sup>100</sup> This became Policy 105 in the adopted version of the Plan. Its counterpart in the Deposit Draft is Policy 110.

that they consider that the site would be of sufficient interest even if this area were developed to retain its status as a wildlife site. While the ecological considerations are therefore finely balanced I consider that the advantages of the scheme proposed by the objector would be sufficient to outweigh the loss of ecological diversity.

- 7.62.40. The site is well located in relation to local shops and schools and is within a kilometre of the town centre. It is also within reasonable proximity of bus stops on Betty’s Lane, which are served by an hourly service during the day. I accept, therefore, that it is in a reasonably accessible location. While I note the concerns about the capacity of Tring to accept more housing it would appear that the nearest school, Dundale JMI, is one of the few schools in Tring which would appear to have scope to expand. I am satisfied, that development of part of the site for housing would not place an undue burden on the existing infrastructure. In the circumstances, I conclude that overall it would be a sustainable location for housing.
- 7.62.41. It would be possible in theory for the necessary enabling development to be achieved under the provisions of Policy 110 without a specific allocation being included in the Plan. However, in the absence of any appreciable progress in respect of this site since the 1992 Inquiry I am not satisfied that this would be a sensible approach to take. I consider that the most practical course of action would be for it to be identified as a housing proposal site. In my view, it would be appropriate for it to be included in Part I of the Schedule of Housing Proposal Sites. I appreciate that it is a greenfield site and that its development before other brownfield housing sites would strictly be contrary to the aims of national policy as set out in PPG3. However, in this case I judge that the urgent need to undertake effective management of the woodland and the benefits of providing additional open space would justify it being brought forward at an early stage rather than being held back until after 2006 in common with most other greenfield sites.
- 7.62.42. In reaching this conclusion, I have noted the Council’s argument about the lack of the need for the housing in terms of meeting the overall housing target. While in general terms I would agree that the level of need would not by itself have justified the allocation of this site, in view of my recommendation that Housing Proposal H35 be deleted I consider that the provision of an additional housing site in Tring would be beneficial. This reinforces my view that the allocation of part of the site for housing would be appropriate. I, therefore, endorse FC47 in principle.

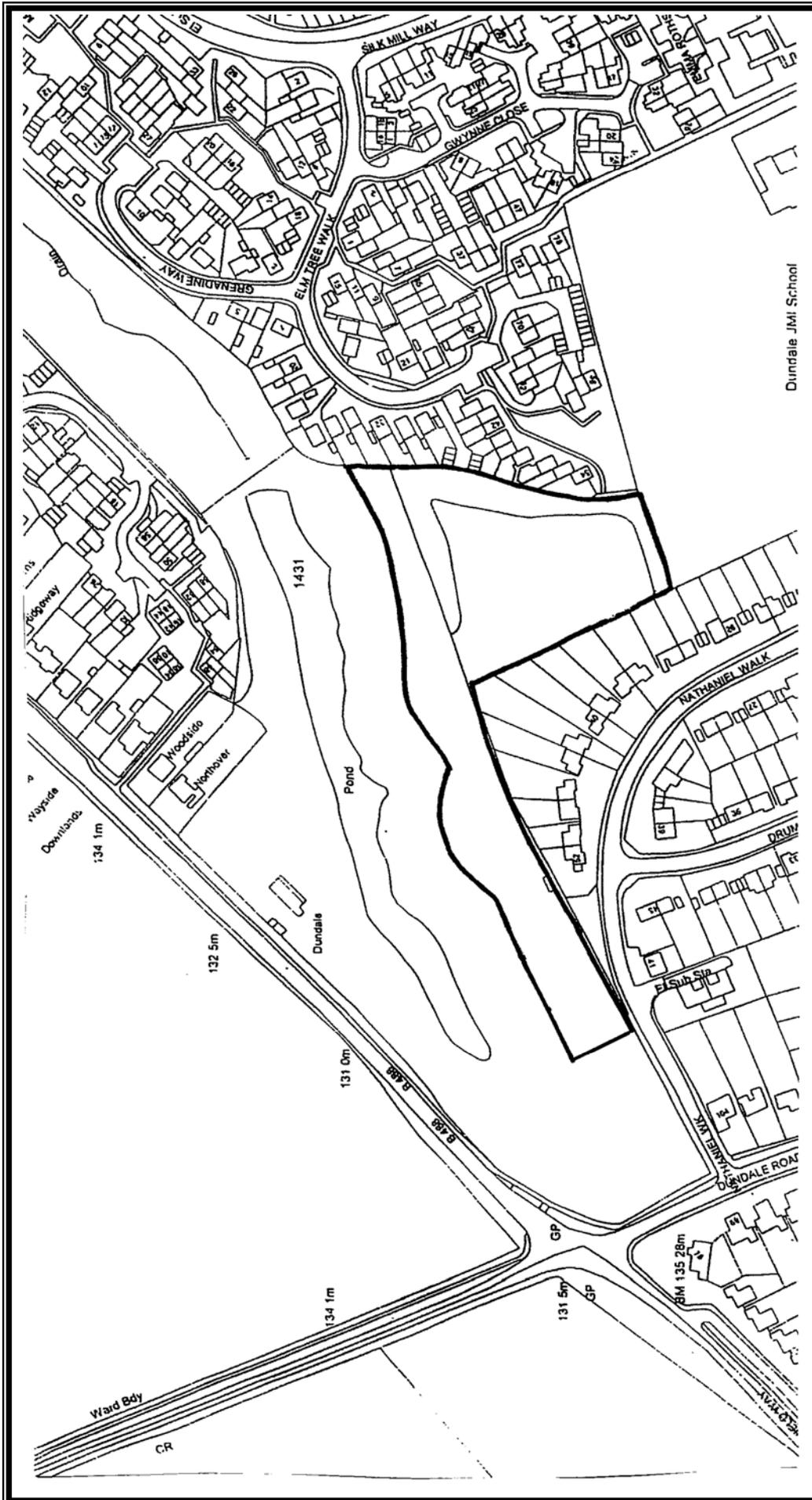
*The extent of the area to be allocated*

- 7.62.43. I appreciate the reasons why the Council considers it would be inappropriate for the proposal to indicate the exact area that should be allocated for housing. However, I am concerned that the approach proposed by FC47 is too vague to give the degree of certainty that PPG12 indicates is appropriate in local plans. In my view, it would be more sensible for the Plan to specifically identify the portion of the site that would be appropriate for housing. The remainder of the site should then be allocated as public open space under Leisure Proposal L5. In the light of the disagreement between the Council and the objector as to the size of the proposed housing site I have given careful consideration to the extent of the area that should be allocated for housing.
- 7.62.44. Both sides agree that the area of grassland would be suitable for housing. While this part of the site contributes to the diversity of habitats, it is clear that it is of limited

intrinsic value in ecological terms. It is also, in my view, of more limited amenity value in terms of its contribution to the wider townscape. Its relatively flat topography and its proximity to the school make it more suitable for housing than the ravine at the eastern end of the site or the area around the lake. I agree therefore that it would be appropriate for this area to be included in the proposed housing site.

- 7.62.45. Both sides would also appear to agree that an area of woodland immediately to the north of the grassland should be included. This area is clearly of more value both in ecological and in visual terms. However, it forms only a small part of the much larger area and is not prominent from surrounding areas. Consequently, I consider that the loss of some of this area would cause limited damage to the overall ecological and amenity value of the site. Consequently, I accept that its allocation for housing would be justified if this secured the implementation and future management of the proposed ecological park. However, the northern boundary of this area would have to be carefully sited to ensure that the setting of the lake was adequately protected.
- 7.62.46. The main area of dispute relates to the strip of woodland to the north of 42 to 52 Nathaniel Drive. The Council suggests that in view of the difficulties with this area it should be omitted from the allocated housing site. The objector argues that the northern boundary should be set at a point 20 metres to the south of the lake with the westward limit being established just to the west of the triangular grass area on Nathaniel Walk.
- 7.62.47. In my view it would not be appropriate for the housing site to be limited to the area suggested by the Council. This would leave the area without any realistic option for access, which both sides would appear to agree would have to be taken from Nathaniel Walk at some point to the west of No.52. I consider therefore that the site identified in the Plan should include a strip of land to the north of 42 to 52 to allow for the provision of an appropriate access.
- 7.62.48. However, I am not persuaded that it would be appropriate for the boundary of this area to be drawn 20 metres south of the edge of the lake. In this respect, I have noted the findings of the Inspector who determined the appeal in respect of the land at Tunnel Woods, Watford (T/APP/Y1945/A/93/223892/P2). I am not satisfied that his decision that a minimum swathe width of trees of 20 metres would provide a sufficiently robust tree cover in that case was intended to establish a general rule of thumb as to the minimum acceptable width of a wooded area.
- 7.62.49. In this case the steep embankment down to the lake forms the first 5 metres or so of the 20-metre band proposed by the objector. In addition, the tree cover in some parts of the band is relatively sparse. I am not satisfied, therefore, that the retention of a 20 metre band of woodland around the southern side of the lake would be sufficient to safeguard either the wildlife interest or the amenity value of the proposed ecological park. In my view, a distance of between 25-30 metres is more likely to be necessary to achieve this end. This would apply equally to the area of woodland to the east.
- 7.62.50. As far as the westward limit of the strip is concerned I note that neither the objector nor the Council own the triangle of grass adjacent to No.52. Consequently, there may be difficulties in gaining access across it. Moreover, the tree survey undertaken on behalf of the objector suggests that the 8 trees close to 52 Nathaniel Walk are the best

of the group of pines along this southern boundary. It may be necessary, therefore, to site the access point further to the west. In the circumstances, I consider that the



Dundale JMI School

**POSSIBLE BOUNDARY FOR ADDITIONAL HOUSING SITE AT DUNDALE, TRING**

**FIGURE 12**

SCALE : 1 : 2500

↑  
N

western boundary proposed by the objector would be reasonable. This would not prevent the Council seeking an access point further to the east at the planning application stage should it prove subsequently to be feasible.

In my view the best solution would be for the Council to determine the exact alignment of the northern boundary of this strip following a detailed survey of this part of the site. This would allow them to determine the areas of vegetation in this part of the site that it would be important to retain as part of the ecological park. However, if this is not possible then I would recommend that the Council considers defining the northern boundary of the housing area at least 30 metres south of the lake as shown in Figure 12. Only if the Council was to determine that both these approaches would be totally impractical should they seek to adopt FC47 in its current form.

### *The planning requirements*

- 7.62.52. While FC47 does not contain a capacity for the site I note that the Council have assessed the site in CD57E as having a potential capacity of 30 dwellings. The objector considers this reasonable. While I understand the Council’s reluctance to specify a capacity under Proposal H40A I consider that this introduces an unacceptable element of uncertainty as well as being inconsistent with other proposal sites. Based on the likely site area I consider that a net capacity of 30 would be a reasonable figure to insert in the Plan, particularly as there would remain considerable flexibility as to how this was achieved.
- 7.62.53. Turning to the question of affordable housing, while the 1998 HNS indicates that the number of households in need in Tring (3.6%) is lower than elsewhere in the Borough, they still make up some 3.0% of the total need in the Borough. As the supply of larger housing sites in Tring is extremely limited there are likely to be fewer opportunities for this need to be met. In the circumstances, I consider that it is reasonable in principle for the Council to require this site to make a contribution towards meeting this need. I appreciate that the costs involved with the implementation and hand over of the ecological park are likely to be significant. However, in the absence of any figures I am not persuaded that the additional requirement for a proportion of the dwellings to be affordable would render the scheme unviable. I, therefore, support the inclusion of a requirement for affordable housing. I would suggest, however, that an indicative target should be set for the site. In my view a figure of 30% would not be unreasonable based on the levels set for other sites in the Plan.
- 7.62.54. As for the question of the need for a grass snake survey I accept that as currently worded this does appear to imply that this might lead to development being refused. Moreover, I consider it adds an unnecessary level of detail. I, therefore, endorse its proposed deletion under FC88.

### *Conclusions*

- 7.62.55. I conclude that it would be appropriate for part of this site to be allocated for housing in accordance with FC47. However, I recommend that the area and capacity of the site and an indicative target for affordable housing should be included.

**(i) Employment land at Miswell Lane (E8)**

7.62.56. This objector suggests that the employment proposal site at Miswell Lane should be allocated for housing. The amount of employment land in the town is quite low and the rate of out-commuting very high. The Plan already proposes under Policy 33 that the existing employment area at Western Road would be suitable for housing. It seems likely therefore that some, if not all, of this area will be redeveloped for housing during the Plan period. In the circumstances, I consider that it is important that the additional employment area proposed at Miswell Lane should be retained in the Plan in order to maintain the level of local employment opportunities and avoid increasing the need for local people to travel to find work.

7.62.57. I am also concerned that the proximity of the existing industrial area to the west could result in future occupiers experiencing significant noise and disturbance from established activities on the adjoining site. The additional housing could also put further pressure on local facilities and services, particularly local schools. I appreciate that industrial development of the site will need to take account of the existing residential property to the north-east and may require improvement to Miswell Lane. However, I see no reason why this could not be achieved if necessary. Consequently, I am satisfied, that it is appropriate for this land to be allocated in the Plan for employment use. I therefore recommend no modification in answer to objection 4160.

**Recommendation**

7.62.58. **The Plan be modified in accordance with FC47 and FC88, subject to the area and capacity of Housing Proposal Site H40A being identified in the Plan and the insertion of an indicative target of around 30% of affordable housing.**

7.62.59. **No other modifications be made to the Plan in the light of these objections.**

**7.63. HOUSING: SUGGESTED NEW SITES: SMALL VILLAGES**

**Objection**

<i>Rep No</i>	<i>Name</i>	<i>Rep No</i>	<i>Name</i>
1938*	H & I Glasser	5213L	Mr P Radford

**Counter Objections**

<i>To Pre-Inquiry Change 59</i>			
5598PC	Mr P Witt & Ms S Wareham	5271PC	H & I Glasser Ltd

**Support for pre-inquiry changes**

<i>To Pre-Inquiry Change 59</i>	
5418PC	CPRE - The Hertfordshire Society

**Key Issues**

- (a) Should The Mill, Tring Road, Wilstone be allocated as a new housing proposal site and if so should the number of units proposed be deducted from the figure for housing on unidentified sites. (1938, 5598PC)

- (b) Is there a need for affordable housing in Wilstone and is the proposed percentage of 30% too high. (5721PC)
- (c) Should land at Ackwell Simmons Ltd, Chapel Croft, Chipperfield be designated as a housing site. (5213L)

## **Inspector’s Conclusions**

### **(a) *The Mill, Tring Road, Wilstone***

- 7.63.1. The objector contends that the site of the redundant feed mill in Wilstone, which is some 0.43 hectares in area, should be identified for housing. The Council accepts that the reuse of this site would accord with national and local planning policies. It therefore proposes under PIC59 that an additional site (H49A) for 10 dwellings be inserted in Part I of the Schedule of Housing Proposal sites. Since the publication of the pre-inquiry changes a planning application has been submitted for 13 dwellings on a slightly different site area and it is probable that permission has since been granted.
- 7.63.2. The development of this site would involve the reuse of a brownfield land close to the centre of the village and to existing facilities. In view of its proximity to adjoining dwellings it is unlikely that it could be reused for employment purposes without causing some disturbance to neighbouring occupiers. In the circumstances, I consider that its identification for housing would be appropriate.
- 7.63.3. I note the concern of Mr Witt and Miss Wareham (5598PC) regarding the need for an appropriate amendment to the figure for unidentified sites. However, I am satisfied that the Council intends to make the necessary correction to the figure as part of the proposed changes to Policy 17. I, therefore, endorse PIC59. However, I consider that it should be amended to reflect any planning permission that has since been granted. I recommend that the Plan should be modified accordingly.

### **(b) *Affordable housing in Wilstone***

- 7.63.4. The objector argues that the requirement to provide 30 % affordable housing on this site is both unlawful and excessive, particularly in the light of the increased number of units that have been permitted on the site. It is also contended that it is unlikely that a social landlord would be willing to take on the management of such a small number of units. The Council argues that the requirement is both lawful and reasonable in the light of the significant housing need in the rural area. The increase in housing numbers was in accordance with the density guidelines in PPG3 and does not warrant a reduction in the amount of affordable housing.
- 7.63.5. Whether or not the requirement for affordable housing would be lawful in this particular case is a matter for the Council to decide. I comment on the lawfulness of affordable housing policies in general in paragraphs 7.8.18 to 7.8.31 of my report. In the light of my conclusions, I am not satisfied that there are sufficient grounds to warrant deleting a requirement for affordable housing in respect of this site.
- 7.63.6. Turning to the question of the amount of affordable housing required, I note that the 1998 HNS (CD82) identified that some 19.4 % of the total need within the Borough occurs within the rural area, which amounts to some 8.5% of the existing households.

This is over and above those households currently accommodated in local authority housing. It is clear therefore that a significant level of housing need exists outside the main urban centres.

- 7.63.7. In the absence of any breakdown of the figure for the rural area it is not possible to determine the level of need that exists specifically within Wilstone. However, there is some evidence from the Council’s Housing Register to indicate a continuing need for affordable accommodation within Wilstone. There is certainly nothing to suggest that the level of need would be substantially below the average for the rural area as a whole. In view of the limited availability of land within the existing villages it is obvious that suitable housing sites within them will arise infrequently. I accept, therefore that those larger sites that do come forward are going to have to provide a significant element of affordable housing if the need within rural area is to be met. Within this context, I do not consider that an indicative target of 30% for the objection site would be unreasonable in principle.
- 7.63.8. I appreciate that as this is previously developed land there are likely to be higher preparation costs than would be the case for a greenfield site, particularly as the existing mill buildings will have to be demolished and the material removed. However, there is no evidence that the costs of such works would be substantial or that significant remediation or decontamination would be required. I am not satisfied, therefore, that it can be concluded at this stage that the provision of 30% of the units as affordable housing would render redevelopment of the site uneconomic. If subsequent detailed costings were to establish that the requirement was likely to undermine the viability of the scheme it would always be open to the developer to negotiate a lower percentage under the provisions of Policy 21.
- 7.63.9. As for the suggestion that a social landlord would not be prepared to undertake the management of such a small number of dwellings, I am not satisfied that this would be the case. While many housing associations consider that developments of 6 units represent the minimum suitable size for an affordable housing scheme, others would appear to be prepared to take on smaller groups or even individual dwellings. In the circumstances, I am not persuaded that it would be impossible to find a suitable organisation that was willing to manage 4 or fewer dwellings. I see no reason therefore why the requirement for 30% of the units to be provided as affordable housing should not be retained. However, I recommend that the word “around” should be inserted before the percentage figure to make clear that this is an indicative target rather than an absolute requirement.
- 7.63.10. In reaching this conclusion, I have taken into account the arguments about the proportion of dwellings that are currently owned by the Council within Wilstone and its ability as a housing authority to meet housing needs within the village on land that it already owns. However, I am not satisfied that there is sufficient evidence that the Council would be able to obtain the necessary funding to construct sufficient affordable housing to meet all existing, let alone future, needs for low-cost housing. Consequently, I am satisfied that it is reasonable for the Council to require private developers to make an appropriate contribution towards meeting the needs for affordable housing on suitable sites.

(c) **Ackwell Simmons Ltd, Chapel Croft, Chipperfield**

- 7.63.11. I have already considered this site in Chapter 4 in relation to the linked objection to the village boundary (see paragraphs 4.42.45 to 4.42.54). I appreciate that planning permission was granted on appeal for 2 houses on the eastern part of this site. However, while the site is generally well screened from the adjoining countryside by existing vegetation, I consider that the development of the remainder of this predominantly open site would harm the purposes of the Green Belt and erode the rural character of the area. I am also concerned that development of the western part of the site could significantly detract from the open character of this part of the Chipperfield Conservation Area. I am not satisfied that the benefits that would arise from the removal of the existing commercial uses, including the buildings and open storage, would be sufficient to outweigh this harm.
- 7.63.12. While the site is reasonably well related to local facilities, I am not satisfied that it would be more sustainable than any of the proposal sites identified in the Plan. The village is some distance from a main urban centre, local bus services are relatively infrequent and there is a lack of local employment opportunities. There is also no substantive evidence of a significant local need for additional housing within the village. Indeed, I note that 6 affordable housing units have been provided in recent years at Croft Meadow.
- 7.63.13. Based on the advice in PPG3 the site would be capable of accommodating over 20 dwellings. This would constitute a significant increase in the size of the village. I am concerned that a development of this scale could put pressure on existing facilities within the village, particularly the local school. It would also add to the traffic levels on the narrow local roads. This reinforces my view that it would be inappropriate for this site to be identified as a housing proposal in the Plan.
- 7.63.14. In the light of the limited employment opportunities in the village and the high level of out-commuting I can understand the Council’s concerns about the loss of employment land that would be involved. However, as permission has already been granted for 2 dwellings there can be no certainty that the existing businesses will remain. I, therefore, attach limited weight to the employment considerations and the provisions of Policy 34. However, this does not override my other concerns.
- 7.63.15. The fact that permission has been granted for 2 dwellings does not warrant including the site within the Schedule of Housing Proposal Sites since it is clear this is limited to sites of 5 or more dwellings. I am not satisfied, therefore, that it would be appropriate for this site to be identified as a housing proposal site. I therefore recommend that no modification should be made to the Plan in answer to objection 5213.

**Recommendation**

7.63.16. **The Plan be modified in accordance with PIC59 subject to the following amendments:-**

- (a) amend the site area to relate to the area for which planning permission is granted;**

**(b) increase the net capacity to 13 units;**

**(c) insert the word “around” before the figure of 30% in the planning requirements.**

**(d) update the progress to reflect the current situation.**

**7.63.17. No modification should be made to the Plan in response to objection 5213L.**

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END OF CHAPTER 7